

With this great spirit of loyalty to public interests there was combined a degree of talent in advocacy which amounted to genius itself. I shall not need to recite his life's story or the commanding incidents of his public career. They have been presented by others. But Maryland was proud, almost immoderately proud, of his prowess in debate. She had had others in this House or the Senate of whose brilliancy she was proud; and the Nation was proud. He sustained, and splendidly sustained, her past glory and brought her added glory with the recurring years. She knew how to judge and compare great men in the public service. For had she not reared at least her share and devoted them to the Nation's service? There was Pinckney; there was Henry Winter Davis; and then ISIDOR RAYNER.

He has gone with them, but his glory remains here with theirs. It is good and is as imperishable as the spirit of loyalty to the public.

Mr. KONIG. Mr. Speaker, ISIDOR RAYNER is dead. His work is done. Our action to-day can neither brighten nor tarnish his fame. But, sir, the beauty of the custom is its defense—to gather here in the workshop of a departed worker and here on the day of rest for those of us who are still in the struggle remind one another of the accomplishments of him who has gone to his eternal rest.

Senator RAYNER was a leader in the Senate; he was a leader in the House; he was a leader at the bar of Maryland. Wherever he served, there he led; and he led because he deserved to lead. Endowed with a genius for oratory, imbued with high ambition, gifted with strong intelligence and remarkable industry, and possessed of great wealth, Senator RAYNER soon took his place among the men at the top.

But, Mr. Speaker, I revere the memory of ISIDOR RAYNER not because he got to the top, but I revere his memory because wherever he served he served with fidelity and honesty. Men deserve honor only as they are faithful and honest, albeit they may have fame and notoriety as they are successful. But for a vagary of fortune the unknown sailor at the mast might have been the famed admiral on the bridge, and the obscure soldier in the ranks might have been the heralded general at the front, the sweating toiler the proud captain of industry, and the humble voter the exalted magistrate. Fortune favors, and we are famous; fortune frowns, and we are obscure.

Whether fortune enables us to become famous or keeps us obscure, we have it within us to say whether we shall be honest or dishonest, faithful or unfaithful; and accordingly as we choose do we deserve the approval or the disapproval of our fellow men. And, after all, what difference does it make whether we are remembered with the world's great men or forgotten with its men unknown? It may well be that we all in playing our little parts are but deceiving ourselves with our seriousness; that we, with our heavy trifling, are the sport of some genius to us as inconceivable as it is unknown.

But, taking ourselves as we find ourselves, there is no man with an ambition to attain anything who does not as soon as he attains it finds himself possessed of an ambition to attain something else above and beyond it, and the which if he does not attain leaves him as much unsatisfied as if his first ambition had not been realized. Such is the nature of human effort and ambition; perhaps it is well that it is so.

This fact of human history teaches us all a lesson, no matter what may be our station in life, our lot, or our fortune; if we do our duty honestly and faithfully we need envy no man, no matter what his wealth or what his position. There is no top rung to the ladder. Position, wealth, and parts are not in themselves happiness, but, on the contrary, they are oftentimes sources of unhappiness. The wise man tempers his ambition with contentment.

ISIDOR RAYNER served his country well and faithfully; let us pray God that we may do likewise. The great majority of us can not hope to be as famed as Senator RAYNER, but we all can hope and endeavor to leave behind us that which our late lamented friend left behind him, a reputation for honesty and fidelity.

Mr. LEWIS. Mr. Speaker, I ask unanimous consent that the Members of the Maryland delegation and of the House have one week in which to print remarks on the subject of the life, character, and public services of the late Senator RAYNER.

The SPEAKER pro tempore. The gentleman from Maryland asks unanimous consent that the Members of the House from Maryland and other Members of the House have unanimous consent to print remarks in the RECORD at any time within one week. If there be no objection it will be so ordered.

There was no objection.

And then, in accordance with the resolution previously adopted and as a further mark of respect to the memory of the late Senator RAYNER, the House (at 12 o'clock and 44 minutes p. m.) adjourned until to-morrow, Monday, February 3, 1913, at 12 o'clock noon.

SENATE.

MONDAY, February 3, 1913.

Prayer by the Chaplain, Rev. Ulysses G. B. Pierce, D. D.

Mr. BACON took the chair as President pro tempore under the order of the Senate of December 16, 1912.

The Secretary proceeded to read the Journal of the proceedings of Thursday last, when, on request of Mr. CULLOM and by unanimous consent, the further reading was dispensed with and the Journal was approved.

MISSISSIPPI RIVER BRIDGE.

Mr. CULLOM. Out of order, I ask leave to call up the bill (S. 8182) granting to the Inter City Bridge Co., its successors and assigns, the right to construct, acquire, maintain, and operate a railway bridge across the Mississippi River. It will take only a minute to pass it.

The PRESIDENT pro tempore. The Senator from Illinois asks unanimous consent for the present consideration of the bill indicated by him. Is there objection? The Chair hears none. The bill will be read.

The Secretary read the bill.

Mr. CUMMINS. Mr. President, I have just entered the Chamber. Is there a request for the present consideration of this bill?

The PRESIDENT pro tempore. There is.

Mr. CUMMINS. I wish to have an opportunity to examine it before it is put on its passage.

The PRESIDENT pro tempore. The Chair will state to the Senator from Iowa that the bill has been taken up by unanimous consent, but that does not—

Mr. CULLOM. I am willing that the bill shall go over if the Senator from Iowa wants to look at it.

The PRESIDENT pro tempore. The bill will go over upon the request of the Senator from Iowa.

SENATORS FROM TENNESSEE AND TEXAS.

Mr. SANDERS presented the credentials of WILLIAM ROBERT WEBB, chosen by the Legislature of the State of Tennessee a Senator from that State for the remainder of the term ending March 3, 1913, in the room and stead of NEWELL SANDERS, heretofore appointed by the governor of Tennessee as the successor of Robert L. Taylor, deceased, which were read and ordered to be filed.

Mr. CULBERSON presented the credentials of MORRIS SHEPARD, chosen by the Legislature of the State of Texas a Senator from that State for the unexpired portion of the term of Hon. Joseph W. Bailey ending March 3, 1913, which were read and ordered to be filed.

Mr. CULBERSON. The Senator elect from Texas is present and ready to take the oath of office.

Mr. LEA. The Senator elect from Tennessee is in the Chamber and ready to take the oath of office.

The PRESIDENT pro tempore. The Senators elect will present themselves at the desk for that purpose.

Mr. SHEPARD and Mr. WEBB advanced to the Vice President's desk, escorted by Mr. CULBERSON and Mr. LEA, respectively, and the oath prescribed by law having been administered to them, they took their seats in the Senate.

CALLING OF THE ROLL.

Mr. CLARKE of Arkansas. Mr. President, I suggest the absence of a quorum.

The PRESIDENT pro tempore. The Senator from Arkansas suggests the absence of a quorum. The Secretary will proceed to call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Cullom	Lea	Shively
Bacon	Cummins	Lippitt	Simmons
Bankhead	Curtis	Lodge	Smith, Ariz.
Borah	Dillingham	McCumber	Smith, Ga.
Bourne	du Pont	McLean	Smith, Md.
Bradley	Fletcher	Martine, N. J.	Smith, Mich.
Brandeggee	Gallinger	Myers	Smoot
Bristow	Gamble	O'Gorman	Stephenson
Brown	Gardner	Oliver	Sutherland
Burnham	Gronna	Overman	Swanson
Burton	Guggenheim	Owen	Thornton
Catron	Jackson	Page	Tillman
Clapp	Johnson, Me.	Perkins	Townsend
Clark, Wyo.	Johnston, Ala.	Perky	Warren
Clarke, Ark.	Jones	Pomerene	Webb
Crane	Kavanaugh	Richardson	Wetmore
Crawford	Kenyon	Root	Williams
Culbertson	La Follette	Sheppard	Works

Mr. THORNTON. I desire to announce the necessary absence of my colleague [Mr. FOSTER] on account of illness in his family, and also that he is paired with the junior Senator from Wyoming [Mr. WARREN]. I ask that this announcement may stand for the day.

Mr. MARTINE of New Jersey. I was requested to state that the Senator from Colorado [Mr. THOMAS] is absent from the city on important business.

Mr. SWANSON. I desire to announce that my colleague [Mr. MARTIN] is detained from the Senate on account of sickness. I wish this announcement to stand for the day.

The PRESIDENT pro tempore. Upon the call of the roll of the Senate 72 Senators have answered to their names. A quorum is present.

CREDENTIALS.

Mr. CULBERSON presented the credentials of MORRIS SHEPARD, chosen by the Legislature of the State of Texas a Senator from that State for the term beginning March 4, 1913, which were read and ordered to be filed.

IMPRISONMENT IN THE ARMY AND NAVY (S. DOC. NO. 1059).

The PRESIDENT pro tempore laid before the Senate a communication from the Secretary of the Navy, transmitting, in response to a resolution of January 7, a statement of the number of persons serving in the Navy or Marine Corps of the United States confined, through sentence of general court-martial, during the year 1912, their offenses, term of confinement imposed in each case, and the prison or other place of confinement, etc., which with the accompanying papers, was referred to the Committee on Naval Affairs and ordered to be printed.

REPORT OF WASHINGTON GAS LIGHT CO. (H. DOC. NO. 1333).

The PRESIDENT pro tempore laid before the Senate the annual report of the Washington Gas Light Co. for the year ended December 31, 1912, which was referred to the Committee on the District of Columbia and ordered to be printed.

WASHINGTON & OLD DOMINION RAILWAY CO. (H. DOC. NO. 1334).

The PRESIDENT pro tempore laid before the Senate the annual report of the Washington & Old Dominion Railway Co. for the year ended December 31, 1912, which was referred to the Committee on the District of Columbia and ordered to be printed.

FINDINGS OF THE COURT OF CLAIMS.

The PRESIDENT pro tempore laid before the Senate communications from the assistant clerk of the Court of Claims, transmitting certified copies of the findings of fact and conclusions filed by the court in the following causes:

John J. Ennis v. United States (Brooklyn Navy Yard) (S. Doc. No. 1057);

Charles W. Brock, and sundry subnumbered cases, v. United States (Portsmouth Navy Yard, Portsmouth, N. H.) (S. Doc. No. 1058);

Virginia C. Boush, administratrix of Jonathan E. Boush, deceased, and sundry subnumbered cases, v. United States (Norfolk Navy Yard) (S. Doc. No. 1056); and

John W. Parrish v. United States (United States Naval Academy, Annapolis, Md.) (S. Doc. No. 1055).

The foregoing findings were, with the accompanying papers, referred to the Committee on Claims and ordered to be printed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by J. C. South, its Chief Clerk, announced that the House insists upon its amendments to the bill (S. 8035) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy and of wars other than the Civil War and to certain widows and dependent relatives of such soldiers and sailors, disagreed to by the Senate; agrees to the conference asked for by the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. RICHARDSON, Mr. DICKSON of Mississippi, and Mr. WOOD of New Jersey managers at the conference on the part of the House.

ENROLLED BILL SIGNED.

The message also announced that the Speaker of the House had signed the enrolled bill (S. 3175) to regulate the immigration of aliens to and the residence of aliens in the United States, and it was thereupon signed by the President pro tempore.

PETITIONS AND MEMORIALS.

Mr. CRAWFORD. I present a joint resolution adopted by the Legislature of South Dakota, which I ask may be read and referred to the Committee on Public Lands.

The joint resolution was read and referred to the Committee on Public Lands, as follows:

STATE OF SOUTH DAKOTA,
DEPARTMENT OF STATE.

UNITED STATES OF AMERICA, *State of South Dakota*, ss:

I, Frank Glasner, secretary of state of the State of South Dakota, do hereby certify that the annexed senate joint resolution No. 2 was duly passed by the 1913 session of the Legislature of the State of South Dakota, and is now in full force and effect.

In testimony whereof I have hereunto set my hand and affixed the great seal of the State of South Dakota this 30th day of January, A. D. 1913.

[SEAL.]

FRANK GLASNER, *Secretary of State*.
By J. T. NELSON, *Assistant Secretary of State*.

A joint resolution requesting the Congress of the United States to amend the 320-acre homestead law, designated and known as the Mondell bill, to include the State of South Dakota.

Be it resolved by the Senate of the State of South Dakota (the House of Representatives concurring): SECTION 1:

Whereas there are now in force and effect certain laws enacted by the Congress of the United States granting and giving to citizens the right to make homestead entry upon 320 and 640 acre tracts of land; and

Whereas certain Government lands situate in the State of Nebraska are affected by the 640-acre homestead law, and certain Government lands situate in the States of Wyoming, Idaho, Montana, Washington, Oregon, Utah, Arizona, New Mexico, and Colorado are affected by the 320-acre homestead law; and

Whereas Government lands in the State of South Dakota have been and are now eliminated from any law giving to citizens the right to make homestead entry upon more than 160 acres of land; and

Whereas the general classification of the Government lands in South Dakota compares with the lands in the State so affected by the laws aforesaid; and

Whereas it is just and reasonable, from the nature of conditions, that the Government lands in the State of South Dakota be included in the 320-acre homestead act: Therefore be it

Resolved, That we favor and earnestly urge the Congress of the United States by proper enactment to so amend the 320-acre homestead law, known as the Mondell bill, as to include the remaining Government lands suitable for homestead entry situate in the State of South Dakota; and be it further

Resolved, That we request our Senators and Representatives in Congress to employ their best efforts to compass this end.

Mr. CRAWFORD. I present a joint resolution adopted by the Legislature of South Dakota, which I ask may be read and referred to the Committee on Indian Affairs:

The joint resolution was read and referred to the Committee on Indian Affairs, as follows:

STATE OF SOUTH DAKOTA,
DEPARTMENT OF STATE.

UNITED STATES OF AMERICA, *State of South Dakota*, ss:

I, Frank Glasner, secretary of state of the State of South Dakota, do hereby certify that the annexed senate joint resolution No. 8 was duly passed by the 1913 session of the Legislature of the State of South Dakota, and is now in full force and effect.

In testimony whereof I have hereunto set my hand and affixed the great seal of the State of South Dakota this 30th day of January, A. D. 1913.

[SEAL.]

FRANK GLASNER,
Secretary of State.

By J. T. NELSON,
Assistant Secretary of State.

A joint resolution requesting the Secretary of the Interior to take steps to revise existing rules for the leasing of allotted Indian lands, and that our Senators and Representatives in Congress assist in securing such revision.

Be it resolved by the Senate of the Legislature of the State of South Dakota (the House of Representatives concurring), That the Secretary of the Interior be requested to take needful and necessary steps looking to an immediate revision of existing rules and regulations promulgated by him governing the right to lease and the manner of leasing allotted Indian lands, with a view to securing the more rapid development of the large areas of unoccupied land now held by Indian allottees of the various Indian tribes. To the end that such object may be speedily attained, our Senators and Representatives in Congress are earnestly requested to lend their aid in securing immediate and favorable consideration thereof.

SEC. 2. That a copy hereof be transmitted to the Secretary of the Interior and to each of the Senators and Representatives in Congress from the State of South Dakota.

Mr. CRAWFORD presented memorials of the congregations of the Seventh-day Adventist Churches of Huron, Webster, Aberdeen, and Florence, all in the State of South Dakota, remonstrating against the enactment of legislation compelling the observance of Sunday as a day of rest in the District of Columbia, which were ordered to lie on the table.

Mr. CURTIS. I present a memorial from the Cherokee Freedmen, which I ask may be printed in the RECORD and referred to the Committee on Indian Affairs.

There being no objection, the memorial was referred to the Committee on Indian Affairs and ordered to be printed in the RECORD, as follows:

Memorial of Cherokee Freedmen.

To the honorable Senate and House of Representatives of the United States of America in Congress assembled:

Whereas by certain articles of the treaty, made and entered into by and between the United States of America and the Cherokee Nation, proclaimed August 11, 1866, there were certain freedmen, free colored persons, and their descendants clothed with all the rights of native Cherokees; and

Whereas by certain acts of deceit, discrimination, and opposition on the part of certain classes of Cherokees and the Cherokee Nation, and by the effect of certain acts of congressional legislation, and by the acts and doings of certain agents of the Government of the United States said persons believe and feel that said rights have been limited, curtailed, abridged, and in various instances overlooked or ignored, whereby they, as a class and as individuals of a class of citizens of the Cherokee Nation, have sustained much damage and received great injury, and believe themselves entitled to some form of redress; and

Whereas said freedmen, free colored persons, and their descendants, firmly believing in the right of the people to peaceably assemble for their own good and apply to those invested with the powers of Government for redress by petition, address, or remonstrance, have organized themselves together in one band or association under the name of —, for the enforcement and protection of all rights granted them by the aforesaid treaty, and have adopted this method of making their grievances known and praying for relief.

Our grievances are:

1. After having been given the right to elect to settle and live in certain designated parts of the Cherokee Nation by article 4 of the treaty of 1866, said right has been violated, and the enjoyment thereof entirely defeated by promises and agreements made on the part of the Cherokees, which have not been kept and performed by them.

2. The Cherokee Nation did, about the year 1867, erect large and costly school buildings, create, and for a period covering about 16 years, maintain and support, high schools for the education of their children out of the funds of the Cherokee Nation to the exclusion of our children.

3. Said nation did erect and for many years maintain and support a blind asylum and orphans' home out of the funds of said nation to the exclusion of our people.

4. The Cherokee National Council passed certain intermarriage laws, and enforced the same, the effect of which put the Indians directly in touch with the highest form of American civilization, and gave them advantages that could not have been attained in no other way, to the exclusion of our people.

5. In the matter of the payment of moneys per capita we believe and feel that we have been unjustly dealt with, in that some of our people whose names appeared upon approved rolls of citizenship in the Cherokee Nation were paid and received such payments, while others of the same class whose names appeared upon the same rolls were paid and received none.

6. And certain classes of Cherokees have been permitted, and did by various attacks, by various suits at law, attempt to and at this time have a suit at law pending calculated to defeat our property rights in the Cherokee Nation entirely, thereby putting us to great and useless expense of time and money.

7. We believe and feel that we have been unjustly dealt with in the matter of the enrollment of our people, some of the members of some of our families having been duly enrolled as citizens, while the applications for the enrollment of others of the same families having the same status have been rejected.

8. That the applications for the enrollment of many of our people were rejected because of the time limit and the hasty action of the Secretary of the Interior and the Dawes Commission in trying to obey the requirements of the time limit.

9. A large number of our people who were rejected had been theretofore enrolled by various authorities as citizens of the Cherokee Nation, had settled in said nation in good faith, made lasting and permanent improvements upon the lands, lived unmolested for from 10 to 30 years, had exercised many of the rights of citizenship, and after being rejected were ejected and dispossessed from and of said improvements, leaving their labor and improvements without compensation.

10. The restrictions upon the alienation and incumbrance of our lands, both adults and infants, have been removed, and the supervisory jurisdiction of the Government over us and our valuable inherited lands has been relinquished all in advance of those of the Indians, and our people, though comparatively lowest in point of intelligence as a class of Cherokee citizens, have been left exposed to the greed and grafts of the shrewd and unscrupulous hoarders of wealth, who would naturally be first to appear upon the scene, and left unfavorably exposed to the attacks of the disgruntled element of the Indian citizens who yet enjoy the care and protection of the United States Government.

Wherefore we, the freedmen, free colored persons, and their descendants of the late Cherokee Nation, respectfully petition that our grievances above mentioned be given due consideration, and that we be given such redress as in the wisdom of your honorable body seems meet, and your petitioners will ever pray.

SIM ROGERS, Secretary.

(Through our delegation.)

ELI NAVE, President.

Mr. TILLMAN. I send to the desk a letter which I ask may be read and referred to the Committee on Claims.

There being no objection, the letter was read and referred to the Committee on Claims, as follows:

2004 ELEVENTH STREET NW.,
Washington, D. C., January 23, 1913.

Hon. B. R. TILLMAN,

United States Senate, Washington, D. C.

HONORED SIR: My name is Jane Steptoe. I was born in South Carolina, not far from Beaufort, and I deposited in the Freedmen's Bank \$1,100. I still have a balance of \$800. I am now 72 years old, not able to work to earn my living, and am dependent upon other people for my support, and you know that I do not get all that I should have in these my declining years.

We have been encouraged about this money for several years. The Presidents have asked Congress to pay us our money ever since Mr. Cleveland was President, and Congress will not pay us. I now write to ask you, as you are in Congress and one of the men who has to appropriate this money, if you will please get this appropriation through and let Congress pay us. I can not tell you how my conditions are, but just place yourself in my position, at my age, and suppose that you had no means of support, you would think it very hard; but as the Lord has blessed and prospered you, and you don't have to be dependent upon others, please remember me and others and the Lord will certainly bless you more than twofold if you will let Congress pay us the money which is our very own. We do not ask you to give us something that does not belong to us; we are simply asking in the name of the Lord for that which is our own hard-earned money.

Respectfully, yours,

JANE STEPTOE.

Mr. FLETCHER. I present resolutions adopted by the Tampa Bay Pilots' Association, of Florida, which I ask may be printed in the RECORD and referred to the Committee on Commerce.

There being no objection, the resolutions were referred to the Committee on Commerce and ordered to be printed in the RECORD, as follows:

TAMPA BAY PILOTS' ASSOCIATION,
Tampa, Fla., January 17, 1913.

Resolution.

Whereas we, the undersigned pilots of the port of Tampa, Fla., do hereby protest against the various bills now pending in the Commerce Committee of the United States Senate—"A bill to provide for the further Federal regulation of pilotage," introduced by Mr. NELSON, and known as S. 7629, and "A bill relating to the anchorage of vessels in navigable waters of the United States," also introduced by Mr. NELSON, and known as S. 3619; also a bill, H. R. 20630,

introduced by Mr. HARDY, entitled "A bill to provide for the further Federal regulation of pilotage," which is awaiting the action of the Committee on the Merchant Marine and Fisheries; and

Whereas we view the introduction, favorable report, and passage of the said bills to be extremely detrimental, if not, indeed, absolutely destructive, to the fundamentals of the pilotage system in this country, as well as detrimental to many of the ports; and

Whereas this pilotage system has been under control of the States for over 100 years and a board selected by the persons most interested in the safety and prosperity of shipping and appointed by our governor and approved by the State senate; and

Whereas this bill proposes arbitrarily and unnecessarily to destroy this system and to take control of this important service from the hands of those most interested in its efficiency, by whom it has been brought to its present satisfactory condition, and proposes to confide it to those who, whatever ability they may have in other respects, can not be said with certainty to have had any experience whatsoever with the duties and requirements of the service; and

Whereas the Federal regulations, as they appear to us (a) would not increase the efficiency of the pilots or the pilotage system now in vogue; (b) would and could not decrease the rates of pilotage without becoming a drain on the Public Treasury; (c) would tyrannically usurp a business which has been built by time, experience, and the expenditures of large sums of money, thereby depriving many individuals of the fruits of their labor, to which they are justly entitled: Therefore be it

Resolved, That we, the pilots aforesaid, do hereby respectfully, and as earnestly and emphatically as in our power, memorialize and petition our United States Representatives in Congress and United States Senators from this State to use their utmost endeavors to prevent these bills from becoming a law or any antipilotage legislation of any nature.

Also, that a copy of this resolution be sent to the President of the Senate, one to the Speaker of the House of Representatives, one to the chairman of the Commerce Committee, one to the chairman of the Committee on the Merchant Marine and Fisheries, one to the president of American Pilots' Association, and urge them to use their influence in defeating these bills.

C. J. BELGAU.
H. L. JOHNSON.
H. G. WARNER.
C. D. THAMES.
CARL WM. BAHRT.
JNO. J. FORGARTY.
MARK RYAN.

Mr. SMITH of Maryland presented petitions of sundry citizens of Burtonsville, Beltsville, and Silver Spring; of Eureka Grange, No. 177, Patrons of Husbandry, of Eureka; and of Local Grange No. 179, Patrons of Husbandry, of Beltsville, all in the State of Maryland, praying that an appropriation be made for the erection of shelters covering the Wholesale Produce Market between Tenth, Twelfth, and B Streets, in the city of Washington, D. C., which were referred to the Committee on Appropriations.

He also presented a petition of sundry citizens of Allegany County, Md., praying for the establishment of game reservations upon the public lands, which was ordered to lie on the table.

Mr. GARDNER presented resolutions adopted by the Chamber of Commerce of Oldtown, Me., favoring the passage of the so-called Page vocational education bill, which were ordered to lie on the table.

He also presented a memorial of members of the Woman's Club of Houlton, Me., remonstrating against the transfer of the control of the national forests to the several States, which was referred to the Committee on Forest Reservations and the Protection of Game.

Mr. WARREN presented a memorial of the congregation of the Seventh-day Adventist Church of Lander, Wyo., remonstrating against the enactment of legislation compelling the observance of Sunday as a day of rest in the District of Columbia, which was ordered to lie on the table.

Mr. BRISTOW presented a petition of sundry citizens of Emporia, Kans., praying for the passage of the so-called Kenyon-Sheppard interstate liquor bill, which was ordered to lie on the table.

He also presented memorials of the congregations of the Seventh-day Adventist Churches of Severy and Herndon, in the State of Kansas, remonstrating against the enactment of legislation compelling the observance of Sunday as a day of rest in the District of Columbia, which were ordered to lie on the table.

Mr. RICHARDSON presented petitions of the congregations of the Methodist Episcopal Churches of Camden, Lebanon, and Nassau, all in the State of Delaware, praying for the passage of the so-called Kenyon-Sheppard interstate liquor bill, which were ordered to lie on the table.

Mr. JACKSON presented a memorial of sundry citizens of Hagerstown, Md., remonstrating against the parole of Federal life prisoners, which was ordered to lie on the table.

He also presented a petition of the congregation of the Mount Olive Methodist Episcopal Church, of Delmar, Del., praying for the passage of the so-called Kenyon-Sheppard interstate liquor bill, which was ordered to lie on the table.

Mr. OWEN. I present a concurrent resolution passed by the Legislature of Oklahoma, memorializing Congress to pass a law providing for the election of Federal district judges by the people of their respective States. I ask that the concurrent resolution be read and referred to the Committee on the Judiciary.

There being no objection, the concurrent resolution was read and referred to the Committee on the Judiciary, as follows:

House concurrent resolution 3.

Resolution memorializing Congress to pass a law providing for the election of Federal district judges by the people of their respective States.

Be it resolved by the House of Representatives of the State of Oklahoma (the Senate concurring therein), That—

Whereas the Federal district judges who receive their office by appointment by the President of the United States and who hold their office for life, or during good behavior, and who are not amenable to the people, and by reason of this are not always mindful of the rights and privileges of the people; and

Whereas since their creation by the American Congress their jurisdiction and powers have been enlarged until the special interest seeking classes and the wealthy can and do compel the common people of our country to go into the Federal courts oftentimes at a large expenditure of money and time, taking them away from the judges whom they, the common people, elect; and

Whereas the Federal district judges have become a refuge for the great corporations, contesting the laws passed by our State legislature and thereby having them declared unconstitutional, as in the recent case of our revenue laws, whereby the corporations were permitted to get from under the burdens of taxation and shift them upon the farmer, the merchant, and laboring classes: Therefore be it

Resolved by the House of Representatives of the State of Oklahoma (the Senate concurring therein), That we memorialize, request, and urge Congress to pass a law providing for the election of Federal district judges, limiting their jurisdiction and power and their tenure of office to a term of years.

That a copy of this resolution be sent to our United States Senators and Members of the National House of Representatives.

Passed by the house of representatives January 20, 1913.

J. H. MAXEY,

Speaker of the House of Representatives.

Passed the senate January 25, 1913.

C. B. KENDRICK,

President pro tempore of the Senate.

Mr. OWEN. I present a concurrent resolution passed by the Legislature of Oklahoma relative to immediate provision being made for the payment to all members of the Choctaw and Chickasaw Tribes of Indians who have been endowed with the rights of citizenship of their pro rata part of all funds now held by the Government of the United States, and so forth. I ask that the concurrent resolution be read and referred to the Committee on Indian Affairs.

There being no objection, the concurrent resolution was read and referred to the Committee on Indian Affairs, as follows:

House concurrent resolution 4.

Be it resolved by the house of representatives (the senate concurring therein), That—

Whereas the Government of the United States holds in trust approximately the sum of \$6,500,000 for the members of the Choctaw and Chickasaw Tribes of Indians; and

Whereas under the terms of the treaty of 1866 between the Choctaw and Chickasaw Indians and the United States certain lands known as the Leased District, lying between the ninety-eighth and one-hundredth meridian west longitude, were ceded to the United States for a nominal consideration of \$300,000; and

Whereas the members of said tribes of Indians have, through their officials and representatives, since said treaty contended that it was the intention of the tribes to lease said lands to the United States for specific purposes and not to sell the same; and

Whereas the actual value of said Leased District was many millions of dollars in excess of said \$300,000: Now therefore be it

Resolved by the Legislature of the State of Oklahoma, That we respectfully memorialize the Congress of the United States—

First. That it make immediate provision for the payment of all those members of the Choctaw and Chickasaw Tribes of Indians who have been endowed with all the rights of citizenship, including the right to alienate their lands as other citizens of the United States, of their pro rata part of all funds now held by the Government of the United States for said Indians; and

Second. That it enact such legislation as will provide for suitable and adequate payment to the members of said tribes of Indians for the reasonable value of said Leased District: And be it further

Resolved, That the Senators and Representatives from the State of Oklahoma are requested to use all honorable means to secure the enactment of the foregoing legislation.

Passed the house of representatives January 20, 1913.

J. H. MAXEY,

Speaker of the House of Representatives.

Passed the senate January 20, 1913.

E. L. MITCHELL,

Acting President of the Senate.

I hereby certify that this is a true and correct copy of the above and foregoing resolution.

Gus POOL, Chief Clerk.

Mr. CULLOM presented a petition of members of the Young Men's Baraca Class of the South Street Methodist Episcopal Church, of Rockford, Ill., praying for the passage of the so-called Kenyon-Sheppard interstate liquor bill, which was ordered to lie on the table.

Mr. LODGE. I present a resolution passed by the directors of the Springfield (Mass.) Board of Trade December 10, 1912, in regard to the Connecticut River Dam. The resolution is very brief and with no signatures. I ask that it lie on the table and be printed in the RECORD.

There being no objection, the resolution was ordered to lie on the table and to be printed in the RECORD, as follows:

Resolution passed by the directors of the Springfield (Mass.) Board of Trade December 10, 1912.

Resolved, That this community is in urgent need of practicable navigation of the Connecticut River from Long Island Sound to Holyoke;

that, in the opinion of this board, the enactment of the bill introduced by the Connecticut River Co. at this session of Congress will insure the accomplishment of such navigation. Wherefore this board earnestly urges the Members of both Houses of Congress to enact said bill at this session.

Mr. LODGE presented a petition of the Young Men's Class of the Congregational Church of West Newton, Mass., praying for the passage of the so-called Kenyon-Sheppard interstate liquor bill, which was ordered to lie on the table.

He also presented petitions of sundry citizens of Bryantville and Boston, in the State of Massachusetts, praying for the construction of a public highway from Washington, D. C., to Gettysburg, Pa., as a memorial to Abraham Lincoln, which were ordered to lie on the table.

Mr. MYERS presented a memorial of the congregation of the Seventh-day Adventist Church, Great Falls, Mont., and a memorial of the congregation of the Seventh-day Adventist Church of Stevensville, Mont., remonstrating against the enactment of legislation compelling the observance of Sunday as a day of rest in the District of Columbia, which were ordered to lie on the table.

Mr. CHAMBERLAIN. I present a joint resolution adopted by the Legislature of Oregon, which I ask may be printed in the RECORD and referred to the Committee on the Judiciary.

There being no objection, the joint resolution was referred to the Committee on the Judiciary and ordered to be printed in the RECORD, as follows:

Senate joint resolution 2.

STATE OF OREGON,

TWENTY-SEVENTH LEGISLATIVE ASSEMBLY,

SENATE CHAMBER.

Whereas it appears from an investigation recently made by the Senate of the United States, and otherwise, that polygamy still exists in certain places in the United States, notwithstanding prohibitory statutes enacted by the several States thereof; and Whereas the practice of polygamy is generally condemned by the people of the United States, and there is a demand for the more effectual prohibition thereof by placing the subject under the Federal jurisdiction and control, at the same time reserving to each State the right to make and control its own laws relating to marriage and divorce: Now therefore be it

Resolved by the senate (the house of representatives concurring), That the application be made, and hereby is made, to Congress under the provisions of Article V of the Constitution of the United States, for the calling of a convention to propose an amendment to the Constitution of the United States whereby polygamy and polygamous cohabitation shall be prohibited, and Congress shall be given power to enforce such a prohibition by appropriate legislation.

Resolved, That the legislatures of all other States of the United States, now in session or when next convened, be, and they are hereby, respectfully requested to join in this application by the adoption of this or an equivalent resolution.

Resolved further, That the secretary of state be, and he is hereby, directed to transmit copies of this application to the Senate and the House of Representatives of the United States, and to the several Members of the bodies representing this State therein; also to transmit copies hereof to the legislatures of all other States of the United States.

Adopted by the house January 16, 1913.

C. N. MCARTHUR,
Speaker of the House.

Adopted by the senate January 15, 1913.

DAN J. MALARKEY,
President of the Senate.

Indorsed: Senate joint resolution No. 2.

JOHN W. COCHRAN,
Chief Clerk.

Filed January 20, 1913.

BEN W. OLCOTT,
Secretary of State.

UNITED STATES OF AMERICA, STATE OF OREGON,
OFFICE OF THE SECRETARY OF STATE.

I, Ben W. Olcott, secretary of state of the State of Oregon and custodian of the seal of said State, do hereby certify that I have carefully compared the annexed copy of senate joint resolution No. 2 of the Twenty-seventh Legislative Assembly of the State of Oregon with the original thereof as filed in the office of the secretary of state of the State of Oregon on the 20th day of January, 1913, and that it is a full, true, and complete transcript therefrom and of the whole thereof.

In testimony whereof I have hereunto set my hand and affixed the seal of the State of Oregon.

Done at the capitol at Salem, Oreg., this 20th day of January, A. D. 1913.

[SEAL.]

BEN W. OLCOTT,
Secretary of State.

Mr. CHAMBERLAIN. I present a joint memorial adopted by the Legislature of Oregon, which I ask may lie on the table and be printed in the RECORD.

There being no objection, the joint memorial was ordered to lie on the table and to be printed in the RECORD, as follows:

Senate joint memorial 2.

STATE OF OREGON,

TWENTY-SEVENTH LEGISLATIVE ASSEMBLY,

SENATE CHAMBER.

Whereas there have been introduced in Congress three bills (Nos. H. R. 36, H. R. 4428, S. 2367) to afford Federal protection to migratory game birds; and

Whereas there is a very general sentiment in this State in favor of such protection, and an urgent request for the enactment of such a law has been made, as appears by the numerous petitions received: Now therefore

Resolved (the house concurring), That Congress be, and hereby is, requested to enact a law giving ample protection to migratory game birds.

Resolved, That the legislatures of all other States of the United States now in session or when next convened be, and they are hereby,

respectfully requested to join in this request by the adoption of this or an equivalent resolution.

Resolved further, That the secretary of state be, and he hereby is, directed to transmit copies of this resolution to the Senate and the House of Representatives of the United States and to the several Members of said body representing this State therein; also to transmit copies hereof to the legislatures of all other States of the United States.

Concurred in by the house January 20, 1913.

C. N. MCARTHUR,
Speaker of the House.

Adopted by the senate January 16, 1913.

DAN J. MALARKY,
President of the Senate.

Indorsed: Senate joint memorial No. 2, by committee on Federal relations.

J. W. COCHRAN,
Chief Clerk.

Filed January 22, 1913.

BEN W. OLCOTT,
Secretary of State.

UNITED STATES OF AMERICA, STATE OF OREGON,
OFFICE OF THE SECRETARY OF STATE.

I, Ben W. Olcott, secretary of state of the State of Oregon, and custodian of the seal of said State, do hereby certify that I have carefully compared the annexed copy of senate joint memorial No. 2 of the Twenty-seventh Legislative Assembly of the State of Oregon with the original thereof as filed in the office of the secretary of state of the State of Oregon on the 22d day of January, 1913, and that it is a full, true, and complete transcript therefrom and of the whole thereof.

In testimony whereof I have hereunto set my hand and affixed the seal of the State of Oregon.

Done at the capitol at Salem, Oreg., this 22d day of January, A. D. 1913.

BEN W. OLCOTT,
Secretary of State.

Mr. BROWN. I present a joint resolution passed by the Legislature of Nebraska, which I ask may be printed in the RECORD and referred to the Committee on Military Affairs.

There being no objection, the joint resolution was referred to the Committee on Military Affairs and ordered to be printed in the RECORD, as follows:

STATE OF NEBRASKA,
OFFICE OF SECRETARY OF STATE.

STATE OF NEBRASKA, Office of Secretary of State:

I, Addison Wait, secretary of state of the State of Nebraska, do hereby certify that I have carefully compared the annexed copy of memorial and joint resolution in re Nebraska Territorial Militia enacted and passed by the thirty-third session of the Legislature of the State of Nebraska, with the enrolled bill on file in this office, and that the same is a true and correct copy of said memorial and joint resolution.

In testimony whereof I have hereunto set my hand and affixed the great seal of the State of Nebraska.

Done at Lincoln this 31st day of January, A. D. 1913, of the independence of the United States the one hundred and thirty-sixth, and of this State the forty-sixth.

[SEAL.]

ADDISON WAIT,
Secretary of State.

[Memorial and joint resolution in relation to the Nebraska Territorial Militia; introduced by Robert C. Druesedow.]

Whereas the Nebraska Territorial Militia, who served four months in subduing the several raids and depredations of hostile Indians between 1862 and 1864, have never been officially recognized as entitled to all the benefits of the pension laws as other volunteer organizations for the alleged reason that they were not regularly mustered into the service of the United States; and

Whereas these volunteer soldiers were called and mustered into active service by our Territorial executive officers, appointed by the Federal Government, and when no time was given for sending the regular mustering officers on account of the sudden unprovoked acts of marauding and murdering bands of Indians, the acknowledged wards of the Government; and

Whereas the settlers of the border territory, the overland mail, and the emigrants to the Rocky Mountain district were justly entitled to the quickest and fullest protection of the Federal authorities: Be it

Resolved, That our Senators and Representatives in Congress, present and prospective, be requested to renew the best and earliest endeavors of their predecessors to procure the passage of an act similar to the one passed in February, 1895, giving the Missouri State Militia title to pension, etc.; and

Resolved, That the honorable secretary of the State of Nebraska be requested to forward a certified copy of this memorial to each of our Senators and Representatives as soon as possible after its passage and approval, as a bill for the relief of the militia of several border States is in the hands of committee on Federal relations, which ought to include the Nebraska Territorial Militia, whose services were rendered and accepted when the Government did not have sufficient troops for the common defense of our frontier.

I hereby certify that the above is a correct copy of a resolution adopted by the House of Representatives of the Nebraska Legislature on the 28th day of January, 1913.

HENRY C. RICHMOND, *Chief Clerk.*

Mr. HITCHCOCK presented a memorial of Local Union No. 107, Farmers' Educational and Cooperative Union, of Elkhorn Valley, Nebr., and a memorial of the Farmers' Educational and Cooperative Union of Dodge County, Nebr., remonstrating against the adoption of the so-called Aldrich currency plan, which were referred to the Committee on Finance.

He also presented memorials of the congregations of the Seventh-day Adventist Churches of Loup City, Omaha, and Brock, all in the State of Nebraska, remonstrating against the enactment of legislation compelling the observance of Sunday as a day of rest in the District of Columbia, which were ordered to lie on the table.

Mr. JOHNSON of Maine presented memorials of the congregations of the Seventh-day Adventist Churches of Lewiston, Po-

land, Dyer Brook, Crouseville, and South Woodstock, all in the State of Maine, remonstrating against the enactment of legislation compelling the observance of Sunday as a day of rest in the District of Columbia, which were ordered to lie on the table.

Mr. JONES presented a resolution adopted by members of the King County Democratic Club of Seattle, Wash., favoring the recognition of the Republic of China by the United States, which was referred to the Committee on Foreign Relations.

Mr. GAMBLE presented a joint resolution adopted by the Legislature of South Dakota, favoring the adoption of certain amendments to the homestead law, which was referred to the Committee on Public Lands.

He also presented a joint resolution adopted by the Legislature of South Dakota, favoring a revision of the existing rules regulating the leasing of allotted Indians lands, etc., which was referred to the Committee on Indian Affairs.

Mr. GRONNA presented a memorial of the congregation of the Seventh-day Adventist Church of Stanley, N. Dak., and a memorial of the congregation of the Seventh-day Adventist Church of Newhome, N. Dak., remonstrating against the enactment of legislation compelling the observance of Sunday as a day of rest in the District of Columbia, which were ordered to lie on the table.

Mr. PAGE. I present a joint resolution passed by the Legislature of Vermont, which I ask may be printed in the RECORD and referred to the Committee on the Judiciary.

There being no objection, the joint resolution was referred to the Committee on the Judiciary, and ordered to be printed in the RECORD, as follows:

Joint resolution making application to Congress under the provisions of Article V of the Constitution of the United States for the calling of a convention to propose an amendment to the Constitution of the United States whereby polygamy and polygamous cohabitation shall be prohibited.

Whereas it appears from investigation recently made by the Senate of the United States, and otherwise, that polygamy still exists in certain places in the United States, notwithstanding prohibitory statutes enacted by the several States thereof; and

Whereas the practice of polygamy is generally condemned by the people of the United States and there is a demand for the more effectual prohibition thereof by placing the subject under Federal jurisdiction and control, at the same time reserving to each State the right to make and enforce its own laws relating to marriage and divorce: Now therefore

Resolved by the senate and house of representatives, That the application be made, and hereby is made, to Congress, under the provisions of Article V, of the Constitution of the United States, for the calling of a convention to propose an amendment to the Constitution of the United States whereby polygamy and polygamous cohabitation shall be prohibited, and Congress shall be given power to enforce such prohibition by appropriate legislation.

Resolved, That the legislatures of all other States of the United States now in session or when next convened be, and they hereby are, respectfully requested to join in this application by the adoption of this or an equivalent resolution.

Resolved further, That the secretary of state be, and he hereby is, directed to transmit copies of this application to the Senate and House of Representatives of the United States, and to the several Members of said bodies representing this State therein; also, to transmit copies hereof to the legislatures of all other States of the United States.

FRANK E. HOWE,
President of the Senate.

CHARLES A. PLUMLEY,
Speaker of the House of Representatives.

Approved December 18, 1912.

ALLEN M. FLETCHER, *Governor.*

STATE OF VERMONT,
OFFICE OF THE SECRETARY OF STATE.

I hereby certify that the foregoing is a true copy of a joint resolution making application to Congress, under the provision of Article V of the Constitution of the United States for the calling of a convention to propose an amendment to the Constitution of the United States, whereby polygamy and polygamous cohabitation shall be prohibited, approved December 18, 1912, as appears by the files and records of this office.

Witness my signature and the seal of this office, at Montpelier, this 10th day of January, 1913.

[SEAL.]

GUY W. BAILEY,
Secretary of State.

Mr. SIMMONS. I have in my hand a joint resolution of the Legislature of North Carolina ratifying the seventeenth amendment to the Constitution of the United States, providing for the election of United States Senators by the people. North Carolina was the first State to ratify the amendment, and as the resolution directs that a copy of it shall be sent to the two Houses of Congress, I ask that this resolution lie on the table and be printed in the RECORD.

There being no objection, the joint resolution was ordered to lie on the table and to be printed in the RECORD, as follows:

Joint resolution ratifying the seventeenth amendment to the Constitution of the United States.

Whereas both the Houses of the Sixty-second Congress of the United States of America, at its second session, by a constitutional majority of two-thirds thereof, made the following proposition to amend the Constitution of the United States of America, in the following words, to wit:

"Resolved that the Senate and the House of Representatives of the United States of America in Congress assembled (two-thirds of each House concurring therein), That in lieu of the first paragraph of section

3 of Article I of the Constitution of the United States, and in lieu of so much of paragraph 2 of the same section as relates to the filling of vacancies, the following be proposed as an amendment to the Constitution, which shall be valid to all intents and purposes as part of the Constitution when ratified by the legislatures of three-fourths of the States:

"The Senate of the United States shall be composed of two Senators from each State, elected by the people thereof, for six years; and each Senator shall have one vote. The electors in each State shall have the qualifications requisite for electors of the most numerous branch of the State legislature.

"When vacancies happen in the representation of any State in the Senate, the executive authority of such State shall issue writs of election to fill such vacancies: *Provided*, That the legislature of any State may empower the executive thereof to make temporary appointments until the people fill the vacancies by election as the legislature may direct.

"This amendment shall not be so construed as to affect the election or term of any Senator chosen before it becomes valid as part of the Constitution."

Therefore be it

Resolved by the Senate and House of Representatives of the State of North Carolina, That the said proposed amendment to the Constitution of the United States be, and the same is hereby, ratified by the General Assembly of the State of North Carolina; and further be it

Resolved, That certified copies of this joint resolution be forwarded by the governor of this State to the Secretary of State at Washington and the presiding officers of each House of the National Congress.

In the general assembly, read three times, and ratified this 25th day of January, 1913.

E. L. DAUGHTERIDGE,
President of the Senate.
GEO. W. CONNOR,
Speaker of the House of Representatives.

Examined and found correct.

A. L. MARTIN, of Cherokee, for Committee.

STATE OF NORTH CAROLINA, DEPARTMENT OF STATE,
Raleigh, January 25, 1913.

I, J. Bryan Grimes, secretary of state of the State of North Carolina, do hereby certify the foregoing and attached (three sheets) to be a true copy from the records of this office.

In witness whereof, I have hereunto set my hand and affixed my official seal.

Done in office at Raleigh, this 25th day of January, A. D. 1913.

[SEAL.] J. BRYAN GRIMES,
Secretary of State.

REPORTS OF COMMITTEES.

Mr. CURTIS, from the Committee on the District of Columbia, to which was recommitted the bill (H. R. 19236) to regulate the practice of osteopathy in the District of Columbia, reported it with amendments and submitted a report (No. 1175) thereon.

He also, from the Committee on Pensions, to which was referred the bill (H. R. 27806) granting a pension to Mary MacArthur, reported it without amendment and submitted a report (No. 1176) thereon.

He also, from the same committee, to which was referred the bill (H. R. 3967) granting an increase of pension to John R. Fugill, reported it without amendment and submitted a report (No. 1177) thereon.

Mr. FLETCHER, from the Committee on Public Health and National Quarantine, to which was referred the bill (S. 7722) to promote the efficiency of the Public Health Service, reported it without amendment and submitted a report (No. 1178) thereon.

Mr. BOURNE, from the Committee on Post Offices and Post Roads, to which was referred the bill (S. 7467) for the relief of George H. Grace, asked to be discharged from its further consideration and that it be referred to the Committee on Claims, which was agreed to.

Mr. CLAPP, from the Committee on Indian Affairs, to which was referred the bill (S. 8077) for the relief of the Turtle Mountain Chippewa Indians, and for other purposes, asked to be discharged from its further consideration and that it be referred to the Committee on Public Lands, which was agreed to.

APPOINTMENT OF GENERAL COURTS-MARTIAL.

Mr. DU PONT. From the Committee on Military Affairs I report favorably, with an amendment, the bill (S. 8272) regulating the appointment of general courts-martial in the Armies of the United States, including all persons belonging thereto and all persons now or hereafter made subject to military law, and I submit a report (No. 1182) thereon. I ask unanimous consent for the present consideration of the bill. I trust that there may be no objection made, for the reason that the legislation embodied in it has been and is most urgently and pressingly needed for the proper discipline and efficiency of the Army.

The PRESIDENT pro tempore. The Senator from Delaware makes a report from the Committee on Military Affairs. The matter is not in order for debate unless permission for the present consideration of the bill is granted, and the question has not yet been submitted to the Senate.

Mr. DU PONT. Mr. President, the few words I am going to say are of an explanatory nature.

The PRESIDENT pro tempore. Without objection, the Senator will proceed.

Mr. DU PONT. I repeat that the few remarks I am going to make are simply of an explanatory nature, so that Senators may understand the importance of the measure. The administration of military justice is seriously hampered by certain provisions of existing laws which were framed many years ago and are entirely out of touch with present conditions.

In the first place, the delays incident to trials by general courts-martial are excessive. The report of the Judge Advocate General for the past year shows that the average period between the preferment of charges and the official announcement of acquittal or conviction is nearly seven weeks, and, this being the average period, it goes without saying that in very many cases the time is as long as three or four months; during which period, if officers, the accused remain in arrest, and, if enlisted men, in confinement, and in either case are unable in consequence to perform their appropriate military duties. This is a very poor showing, as the fundamental principle of a code of military punishment is the enforcement of prompt obedience by prompt punishment.

Another consideration, perhaps even more important, is that whenever troops are assembled in any considerable numbers, under existing conditions, for instruction or other purposes, there is no provision of law by which military offenses can be punished, and I can best illustrate this by citing the state of things which existed when a division of troops was assembled on the Mexican frontier about a year ago. The commander of that division had no authority to convene a general court-martial for the trial of offenders, and discipline could only be preserved by the convening of general courts-martial under the fiction of law, by one of his subordinate officers who happened to be in command of the Department of Texas.

The Military Committee has made careful examination into this state of affairs and believes that it is imperative that some legislation should be passed at once to promote the proper discipline and efficiency of the Army; and I am informed that the House Committee on Military Affairs has already examined and approved of the legislation embodied in this bill in connection with the proposed revision of the Articles of War. I hope, therefore, that it may pass the Senate, to the end that it may be incorporated in the Army appropriation bill and put into effect on the 1st of July next.

It is to be observed that the greater part of the provisions embodied in the bill are those now on the statute book. The changes proposed enable general courts-martial to be convened with greater facility and promptitude, as well as to more effectively guard the rights of the accused, both of which considerations are of the highest importance. The special courts-martial herein provided for take the place of the old garrison and regimental courts-martial, with authority to impose sentences of somewhat more severity, which will enable these tribunals to deal with many offenses which heretofore had to be brought before general courts-martial, and will greatly expedite the administration of military justice. The provisions in regard to summary courts-martial are practically those which are now on the statute book, with one proviso, which is believed to be more just to the enlisted men who are brought before these courts.

In this connection I will send to the Secretary's desk, and ask that it be read, a communication to the Secretary of War from nearly all of the general officers of the Army enlarging upon the necessities of the prompt passage of the legislation referred to.

The PRESIDENT pro tempore. Without objection, the Secretary will read as requested.

The Secretary read the letter, as follows:

WASHINGTON, January 13, 1913.

The SECRETARY OF WAR.

SIR: In response to your verbal request for an expression of opinion upon the "proposed new articles of war," now being considered by Congress with a view to their enactment into law as a military code for the armies of the United States, we, the undersigned general officers of the Army, after a deliberate study of the proposed new articles, are pleased to state as follows:

1. That we, and we believe all other older officers of the Army, have long been impressed with the fact that the present Articles of War are archaic in character, ill adapted to the prompt and efficient administration of military justice in the Army under modern service conditions, and therefore badly in need of revision.

2. That we consider the revision of present articles, as set forth in the "proposed new articles," has been thoroughly and carefully made, obsolete articles in the present code having been omitted, the remaining articles carefully revised, new and badly needed articles added, and the whole so systematically and scientifically arranged as to form a military code admirably adapted to the needs of military justice both in peace and in war in the Army not only as at present organized but also under the proposed reorganization.

3. That we are therefore of the opinion that the "proposed new articles of war" are in every way a great and a much-needed improvement upon the present articles, and that the sooner they are enacted

into law the better it will be for the interests of prompt and efficient administration of military justice in the Army.

Arthur Murray, major general, United States Army; Thomas H. Barry, major general, United States Army; Wm. H. Carter, major general, United States Army; Tasker H. Bliss, brigadier general, United States Army; E. Z. Steever, brigadier general, United States Army; R. K. Evans, brigadier general, United States Army; C. R. Edwards, brigadier general, United States Army; Fred. A. Smith, brigadier general, United States Army; R. W. Hoyt, brigadier general, United States Army; W. S. Schuyler, brigadier general, United States Army; M. M. Macomb, brigadier general, United States Army; Marion P. Maus, brigadier general, United States Army.

Mr. JOHNSTON of Alabama. Mr. President, I only desire to say at this time that I heartily concur with the chairman of the committee [Mr. DU PONT] that this proposed legislation is of great importance to the administration of the affairs of the Army. Especially has the measure commended itself to those of us who have seen service in either of the armies during the Civil War.

The PRESIDENT pro tempore. From the Committee on Military Affairs the Senator from Delaware reports Senate bill 8272, and asks unanimous consent for its present consideration. The Secretary will read the bill for the information of the Senate.

The Secretary read the bill; and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration.

The amendment of the Committee on Military Affairs was to strike out all after the enacting clause and insert:

That courts-martial shall be of three kinds, namely: First, general courts-martial; second, special courts-martial; and third, summary courts-martial.

SEC. 2. General courts-martial may consist of any number of officers from 5 to 13, inclusive.

SEC. 3. Special courts-martial may consist of any number of officers from three to five, inclusive.

SEC. 4. A summary court-martial shall consist of one officer.

SEC. 5. The President of the United States, the commanding officer of a territorial division or department, the Superintendent of the Military Academy, the commanding officer of an army, a field army, an army corps, a division, or a separate brigade, and, when empowered by the President, the commanding officer of any district or of any force or body of troops, may appoint general courts-martial whenever necessary; but when any such commander is the accuser or the prosecutor of the person or persons to be tried, the court shall be appointed by superior competent authority, and no officer shall be eligible to sit as a member of such court when he is the accuser or a witness for the prosecution.

SEC. 6. The commanding officer of a district, garrison, fort, camp, or other place where troops are on duty, and the commanding officer of a brigade, regiment, detached battalion, or other detached command, may appoint special courts-martial for his command; but such special courts-martial may in any case be appointed by superior authority when by the latter deemed desirable, and no officer shall be eligible to sit as a member of such court when he is the accuser or a witness for the prosecution.

SEC. 7. The commanding officer of a garrison, fort, camp, or other place where troops are on duty, and the commanding officer of a regiment, detached battalion, detached company, or other detachment may appoint summary courts-martial for his command; but such summary courts-martial may in any case be appointed by superior authority when by the latter deemed desirable: *Provided*, That when but one officer is present with a command he shall be the summary court-martial of that command and shall hear and determine cases brought before him.

SEC. 8. General courts-martial shall have power to try any person subject to military law for any crime or offense made punishable by the Articles of War, and any other person who by statute or by the law of war is subject to trial by military tribunals: *Provided*, That no officer shall be brought to trial before a general court-martial appointed by the Superintendent of the Military Academy.

SEC. 9. Special courts-martial shall have power to try any person subject to military law, except an officer, for any crime or offense not capital made punishable by the Articles of War: *Provided*, That the President may by regulations, which he may modify from time to time, except from the jurisdiction of special courts-martial any class or classes of persons subject to military law.

Special courts-martial shall have power to adjudge punishment not to exceed confinement at hard labor for six months or forfeiture of six months' pay, or both, and in addition thereto reduction to the ranks in the cases of noncommissioned officers, and reduction in classification in the cases of first-class privates.

SEC. 10. Summary courts-martial shall have power to try any soldier, except one who is holding the privileges of a certificate of eligibility to promotion, for any crime or offense not capital made punishable by the Articles of War: *Provided*, That noncommissioned officers shall not, if they object thereto, be brought to trial before a summary court-martial without the authority of the officer competent to bring them to trial before a general court-martial.

Summary courts-martial shall have power to adjudge punishment not to exceed confinement at hard labor for three months or forfeiture of three months' pay, or both, and in addition thereto reduction to the ranks in the cases of noncommissioned officers and reduction in classification in the cases of first-class privates: *Provided*, That when the summary-court officer is also commanding officer no sentence of such summary court-martial adjudging confinement at hard labor or forfeiture of pay, or both, for a period in excess of one month, shall be carried into execution until the same shall have been approved by superior authority.

SEC. 11. Articles 72, 73, 75, 81, 82, and 83 of section 1342 of the Revised Statutes; the first section of an act entitled "An act to promote the administration of justice in the Army," approved October 1, 1890, as amended by the first section of an act approved June 18, 1898 (30 Stat., 483, 484), are hereby repealed.

SEC. 12. That this act shall take effect on July 1, 1913.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill regulating the constitution, composition, and jurisdiction of courts-martial in the armies of the United States, and for other purposes."

UNITED STATES ATTORNEY FOR DISTRICT OF CONNECTICUT.

Mr. BRANDEGEE. From the Committee on the Judiciary I report favorably, with an amendment, the bill (S. 8058) providing for an increase of salary of the United States attorney for the district of Connecticut, and I submit a report (No. 1179) thereon. I ask unanimous consent for the present consideration of the bill.

The PRESIDENT pro tempore. Is there objection to the request of the Senator from Connecticut?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The amendment of the Committee on the Judiciary was, in line 5, after the words "rate of," to strike out "\$5,000" and insert "\$3,500," so as to make the bill read:

Be it enacted, etc., That from and after the passage of this act the salary of the United States attorney for the district of Connecticut shall be at the rate of \$3,500 a year.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

LAWS RELATING TO ALASKA.

Mr. SMOOT. From the Committee on Printing I report with amendments Senate concurrent resolution No. 38, to print the laws of the United States applicable to the Territory of Alaska. I ask unanimous consent for the present consideration of the resolution.

The amendments were, in line 2, before the word "thousand," to insert "four"; in line 7, before the word "copies," to strike out "thousand" and insert "1,500"; in line 8, before the word "copies," to strike out "thousand" and insert "and 2,500"; and in line 9, after the words "House of Representatives," to strike out "and" ——— copies for each of the Committees on Territories of the Senate and the House of Representatives," so as to make the concurrent resolution read:

Resolved by the Senate (the House of Representatives concurring), That there be printed 4,000 copies of the laws of the United States applicable to the Territory of Alaska, compiled by the Committee on Territories of the Senate and the Committee on Territories of the House of Representatives in compliance with Public Act No. 334, 1,500 copies of which shall be for the use of the Senate and 2,500 copies for the use of the House of Representatives.

The amendments were agreed to.

The concurrent resolution as amended was agreed to.

SEIZURES OF COTTON.

Mr. SUTHERLAND. From the Committee on the Judiciary I report back favorably without amendment the bill (H. R. 16314) to amend section 162 of the act to codify, revise, and amend the laws relating to the judiciary, approved March 3, 1911, and I submit a report (No. 1181) thereon. I ask for the present consideration of the bill.

The PRESIDENT pro tempore. Is there objection to the present consideration of the bill? The Chair hears none.

Mr. SUTHERLAND. The bill which I send to the desk is a House print, and the motion in italics should be read as part of the bill. The Senate committee has submitted no amendments.

The PRESIDENT pro tempore. The Chair would suggest to the Senator that according to the recognized practice of the Senate it is necessary that it should be the Senate print.

Mr. SUTHERLAND. It has been printed; but the clerk, by mistake, sent me the wrong print.

The PRESIDENT pro tempore. It can be read, if the Senator desires.

The Secretary read the bill, as follows:

Be it enacted, etc., That section 162 of the act to codify, revise, and amend the laws relating to the judiciary, approved March 3, 1911, be amended so as to read as follows:

"Sec. 162. The Court of Claims shall have jurisdiction of any claim therefor filed prior to January 1, 1915, of those whose property was taken subsequent to June 1, 1865, under the provisions of the act of Congress approved March 12, 1863, entitled 'An act to provide for the collection of abandoned property and for the prevention of frauds in insurrectionary districts within the United States,' and acts amendatory thereof where the property so taken was sold and the net proceeds thereof were placed in the Treasury of the United States; and the Secretary of the Treasury shall return said net proceeds to the owners thereof, on the judgment of said court, and full jurisdiction is given to said court to adjudge said claims, any statutes of limitations to the contrary notwithstanding: *Provided*, That no allegation or proof of loyalty shall be required in the presentation or adjudication of such claims."

Mr. CRAWFORD. I shall be obliged to ask to have the bill go over.

Mr. SUTHERLAND. I think the Senator from South Dakota will not ask that, if he will allow me to make a very brief statement in regard to the measure.

The PRESIDENT pro tempore. Without objection, the Senator from Utah will proceed.

Mr. SUTHERLAND: The only change the bill proposes to make in existing law is to add the proviso which dispenses with the allegation and proof of loyalty in this particular class of claims. These are claims that originated after the close of the war, as a result of the seizure of certain cotton by the Government of the United States. The general rule stated by the statute is that in the case of claims brought in the Court of Claims there shall be an allegation and proof of loyalty; but it occurred to the House, which passed the bill, and to the Senate Committee on the Judiciary, which considered it, that that ought to be dispensed with in cases of this kind, where the seizure was made and the claim arose after the conclusion of the war.

Mr. CRAWFORD: I should like to ask the Senator if the limitation as to time, 1915, is the present law?

Mr. SUTHERLAND: No. That, however, is a limitation upon the existing law and not an extension of it, because under the existing law no time is fixed within which the claims are to be presented, and this limits their presentation to the time stated, 1915.

Mr. CRAWFORD: In the omnibus claims bill we inserted a provision that barred the sending of these war claims to the Court of Claims upon the passage of the bill.

Mr. OVERMAN: If I may interrupt the Senator, these are cases that do not come to Congress at all. They are presented under the general provision that allows a person to go to the Court of Claims if he has a claim of this sort. They will never come before Congress.

Mr. CRAWFORD: What class of claims are they?

Mr. OVERMAN: They are claims where cotton was seized as abandoned property after June 1, 1865, the proceeds of the sale of which, the Supreme Court of the United States held, have been held in the Treasury as a trust fund, as after Lincoln's and Johnson's proclamations everybody was loyal.

Mr. CRAWFORD: Then this is a class of cases where the money is actually in the United States Treasury?

Mr. SUTHERLAND: Precisely.

Mr. OVERMAN: Exactly.

Mr. SUTHERLAND: The money is in the Treasury.

Mr. OVERMAN: We do not have to give any authority to the claimants to go to the Court of Claims.

Mr. CRAWFORD: It is not a class of claims that comes to Congress, then?

Mr. SUTHERLAND: Not at all. I thought the Senator did not realize that these claims are not of that class.

Mr. SMOOT: I should like to ask the Senator if they are not claims, however, that have been before the Claims Committee for many, many years past?

Mr. OVERMAN: Claims of this sort have been before Congress; but the Senator will remember a few years ago Congress passed a general statute allowing anybody having a claim of this sort to go directly to the Court of Claims, and this is intended to remove the necessity for pleading and establishing loyalty. It will allow anyone who has a just claim to go before the Court of Claims.

The Senator will remember that I had published a list of the claims where the property seized was held by the person as the bailee for the Southern Confederacy. That was done to keep anybody from going to the Court of Claims in such a case, because where it was held by him as bailee for the Southern Confederacy of course he could not recover.

Any person who has a just claim arising after June 1, 1865, for property seized after that date, of course under Lincoln's and Johnson's amnesty proclamations, is not required to prove loyalty. But in the statute the words were not sufficient, and the court has held that they must plead loyalty. This bill removes that bar. It has twice passed the House of Representatives unanimously.

Mr. SMOOT: Does the bill apply simply to the \$4,000,000 held in the Treasury?

Mr. OVERMAN: It will not be \$4,000,000; it will not be \$1,000,000. It covers all those claims where property was seized after June 1, 1865, in the hands of an owner who had been pardoned by Abraham Lincoln and Andrew Johnson. That is the truth about it.

Mr. SUTHERLAND: It applies to the fund of \$4,000,000, which will not be increased.

Mr. OVERMAN: It applies to that fund. It will not be one-third of it or one-fourth of it or one-fifth of it.

Mr. JOHNSTON of Alabama: I ought to say to the Senator from Utah that there is a contention that a good deal of the cotton had been previously sold to the Confederate Government. That, of course, is an issue that is not involved in this bill at all. The Government claimed, of course, that where the original owner had sold the cotton to the Confederate Government he could not then claim compensation for it from the United States. But that does not apply to these cases where the cotton was sold, and the name of the claimant reported to the Government,

and the money placed in the Treasury. It merely allows the real owners at the time of the seizure to put in their claim.

Mr. OVERMAN: The bill simply removes that bar of disloyalty.

Mr. SMOOT: Do I understand the Senator to mean to say that if a man was disloyal before the 1st of June, 1865, and was the owner of the cotton, and after June 1, 1865, it was taken by the Government of the United States, the bill removes that bar of disloyalty?

Mr. OVERMAN: It does. Of course, they were all disloyal prior to April, 1865, but then when Lincoln and Johnson issued their amnesty proclamations and they were received back into the Union they were loyal citizens, and the Supreme Court in the Klein case—Thirteenth Wallace—has already held that they were loyal.

Mr. SMOOT: Does the bill provide any way to take care of cases, like many that I believe exist, where the Southern Confederacy had taken the cotton but it was held in the hands of private individuals?

Mr. OVERMAN: It does not affect that class of cases. In these cases the Government gave a receipt and the fund was placed in the Treasury.

Mr. SMOOT: The pending bill does not touch that class of claims.

Mr. OVERMAN: It does not touch any claim except where the person was the real bona fide owner of the cotton after June, 1865, where the cotton was seized and the money put into the Treasury and held in trust; and the Supreme Court has said twice that it is a trust fund.

Mr. SUTHERLAND: It simply applies to this one class of claims.

Mr. CLARKE of Arkansas: Mr. President, I was on the committee that framed the code of which that provision is one of the sections. The purpose of it was to remove the bar of the statute of limitations. For six years after 1863, I think it was, the owners of this cotton had the right to go before what was known as the Southern Claims Commission to assert their ownership. The cotton was taken under the authority of an act of Congress known as the captured and abandoned property act, which was subsequently held to be unconstitutional by the Supreme Court. The result of that action of the Supreme Court was to leave no authority whatever for the seizure of the cotton. It left the taking wholly unauthorized. The question of loyalty or disloyalty had nothing to do with it. The special agents of the Government found a number of persons in the South in possession of cotton, and seized it under the supposed authority of the act of Congress which was afterwards decided to be invalid.

This bill is intended to so change the law as to give a cause of action to those whose property was thus taken and afterwards sold and the proceeds placed in the Treasury to the credit of the persons in whose possession it was at the time of seizure. It does not propose to enlarge the provisions of law so as to create a cause of action in favor of those whose cotton was taken and sold and the proceeds not placed in the Treasury. This latter class of taking constitutes about 50 per cent of the cotton that was taken under the authority of that supposed act. A very limited part of the seizures made under the authority of that act resulted in the proceeds being actually placed in the Treasury. The entire fund now in the Treasury and subject to be claimed under the provisions of this bill, I think, represents less than \$4,000,000.

Before the owners of the cotton were advised by the claim agents, who stir up such things as this, that they were the owners of this money and there was a cause of action in their favor for its recovery, the statute of limitations had in many cases run against the claims. Thus the matter stood for some 25 years, until we incorporated certain provisions in the new code of practice in that chapter relating to the organization and jurisdiction of the courts of the United States. In dealing with that part of the chapter which related to the practice and jurisdiction of the Court of Claims it was thought to be an appropriate place to insert a provision of this kind. The effect of the passage of this act will be, therefore, to renew, in favor of those who owned the cotton at the time of seizure, provided this took place after the 1st of June, 1865, a cause of action, and their recovery in such a proceeding is limited to the funds that are now on deposit in the Treasury of the United States to the credit of that particular claimant. It does not enlarge, as I said before, the scope of the proceeding so as to include those whose property was seized and the proceeds thereof never accounted for in the form of a deposit in the Treasury.

I think that this provision for dispensing with proof of loyalty of the claimant, now sought to be incorporated in the law, was taken for granted when we framed the code. The Court of Claims has recently worked out the result, though, that another provision of the law which related to claims for damages

to property seized and destroyed during the war should apply, and that in this class of cases it should be a condition precedent that the owner should be able to show that he was loyal at the date of the taking.

This class of claims is to be differentiated altogether from that class of claims, because the seizure in these cases was made after the war had ceased, and whether the owners of the cotton seized were disloyal or loyal, the agents of the Government were not entitled to seize it, because it was not the policy of the victorious army nor the Government of the United States to take from the vanquished in the Civil War such property as they rightfully owned in their individual right.

Therefore I say I think there is no great mystery about the matter when it is somewhat well understood, as it can be well understood by a very short examination.

It is now sought to introduce a limitation of time, which, in my opinion, is wholly unnecessary, since there is a limitation of the amount and identity of fund to be recovered. The right of action is confined to those who have money on deposit in the Treasury and which fact is shown by the public record. If that provision limiting the time for presenting claims to January 1, 1915, is inserted now, it will be necessary to change it again if some claim agent at any time after 1915 shall discover that some one has not presented his claim. But the question of loyalty was a minor one, and really ought not to arise in the controversy, because the fact is that this was property taken from private custody and after the war ceased.

Mr. CRAWFORD. Mr. President, the fact that this report was just handed in this morning and has not been printed, and these claims may have relation in some form—I am not sure that they do or do not—to other claims, or may establish some precedent with reference to the extension of time that is serious, I feel disposed to insist that the matter shall go over until the report is printed. It can not delay the measure much, and I think it is a better procedure than to act immediately upon these reports without having them printed and having an opportunity to examine them.

Mr. CLARKE of Arkansas. If the matter goes over under that objection, I trust the Senator from South Dakota will look into it also with a view to inserting a provision affirmatively, if not there now, that will prevent a recovery for cotton that was sold to the Confederate Government and subsequently seized by other persons under some claim that it had been abandoned by the Confederacy and that these therefore became entitled to it by mere act of taking it. I should limit the relief to persons whose cotton was taken from them personally and from their ownership. There exist many claims growing out of the seizure of cotton that was bought by the Confederate Government and because of inadequate transportation facilities was not shipped to the centers where it was converted into money or supplies by the Confederate Government. There are doubtless a number of persons who have that sort of pretended title and who may come in under this bill with claims unless specifically excluded. I do not think there is anything in the bill that includes what the Senator from South Dakota has in mind, and it is a feature worthy of adoption.

Mr. OVERMAN. The courts have held in numerous cases that they can not recover.

Mr. CLARKE of Arkansas. This is a general act giving to everybody the right, but I think it ought to be limited.

Mr. OVERMAN. If the Senator from South Dakota desires that the bill may go over I have no objection to that. I am satisfied if he will examine it he will favor it.

The PRESIDENT pro tempore. Without objection, the bill will go over.

STANLEY MITCHELL.

Mr. SWANSON. From the Committee on Naval Affairs I report back favorably without amendment the bill (S. 7622) for the relief of Stanley Mitchell (S. Rept. 1180). I call the attention of the junior Senator from North Carolina [Mr. OVERMAN], who introduced the bill, to this report.

Mr. OVERMAN. I ask unanimous consent for the consideration of the bill. It will take only a minute.

Mr. GALLINGER. Let it be read for the information of the Senate.

Mr. JONES. I think it should be read before the question of consideration is put.

The PRESIDENT pro tempore. The bill will be read.

The Secretary read the bill, as follows:

Be it enacted, etc., That the President be, and he is hereby, authorized to nominate and, by and with the advice and consent of the Senate, appoint Stanley Mitchell, midshipman, United States Navy, an ensign in the United States Navy, and place him upon the retired list as such with three-quarters pay of his grade: *Provided,* That the said Stanley Mitchell shall not, by the passage of this act, be entitled to back pay or allowances.

Mr. GALLINGER. I should like to have a brief statement made concerning this matter. It is a little irregular.

Mr. OVERMAN. This man was a cadet at Annapolis. He stood his mental examination for graduation and stood very high in his class, but failed on the physical examination, on account of tuberculosis. Three doctors and the Army surgeon said he had contracted the disease while a student at Annapolis.

Mr. GALLINGER. I am now reminded of the fact. I am familiar with the case, and I think it is a very just one.

The PRESIDENT pro tempore. Is there objection to the present consideration of the bill?

There being no objection, the bill was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. LA FOLLETTE:

A bill (S. 8337) to create a legislative drafting bureau and to establish a legislative reference division of the Library of Congress; to the Committee on the Library.

By Mr. McCUMBER:

A bill (S. 8338) granting an increase of pension to Caleb E. Stewart; to the Committee on Pensions.

By Mr. KENYON:

A bill (S. 8339) to remove the charge of desertion from the military record of William M. Carroll; and

A bill (S. 8340) for the relief of John W. Terry; to the Committee on Military Affairs.

A bill (S. 8341) granting an increase of pension to R. C. Jones; and

A bill (S. 8342) granting an increase of pension to John C. Steeves; to the Committee on Pensions.

By Mr. PERKY:

A bill (S. 8343) granting an increase of pension to William Oliver (with accompanying papers); and

A bill (S. 8344) granting a pension to Walter L. Hammond; to the Committee on Pensions.

By Mr. ASHURST:

A bill (S. 8345) granting an honorable discharge to Ustacio B. Davison (with accompanying papers); to the Committee on Military Affairs.

By Mr. CRAWFORD:

A bill (S. 8346) granting to the counties of Aurora and Brule, in the State of South Dakota, the title to lands situated therein which lie within the meandered lines defining beds of lakes; to the Committee on Public Lands.

By Mr. BURTON:

A bill (S. 8347) granting a pension to Allen Landis (with accompanying papers); to the Committee on Pensions.

By Mr. THORNTON:

A bill (S. 8348) waiving the age limit for admission to the Pay Corps of the United States Navy in the case of Minor Meriwether, jr.; to the Committee on Naval Affairs.

By Mr. GUGGENHEIM:

A bill (S. 8349) for the relief of the heirs of Frederick T. Dent; to the Committee on Claims.

By Mr. JONES:

A bill (S. 8350) granting a pension to Mabel F. Coen; to the Committee on Pensions.

By Mr. BURNHAM:

A bill (S. 8351) granting an increase of pension to Daniel W. Eaton; and

A bill (S. 8352) granting an increase of pension to Elijah C. Lawrence; to the Committee on Pensions.

By Mr. McLEAN:

A bill (S. 8353) granting an increase of pension to Lucy A. Bradley (with accompanying papers);

A bill (S. 8354) granting an increase of pension to David Burns (with accompanying papers); and

A bill (S. 8355) granting an increase of pension to Elizabeth Fogg (with accompanying papers); to the Committee on Pensions.

By Mr. GUGGENHEIM:

A bill (S. 8356) for the enrollment of Tilla A. Provost and Harold Provost, Nebraska Winnebago Indians, and for making an allotment to Tilla A. Provost; to the Committee on Indian Affairs.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. O'GORMAN submitted an amendment proposing to appropriate \$250,000 for improving the Harlem River Ship Canal for rectification of the bend between the Hudson River and Broadway, etc., intended to be proposed by him to the river and

harbor appropriation bill, which was referred to the Committee on Commerce and ordered to be printed.

Mr. SUTHERLAND submitted an amendment proposing that the words "civil-service employees" used in section 4 of the act of June 30, 1913, be declared to extend to and include all employees in the unclassified service under the jurisdiction of the War Department, etc., intended to be proposed by him to the Army appropriation bill, which was referred to the Committee on Military Affairs and ordered to be printed.

Mr. McCUMBER submitted an amendment relative to the rank of petty officers, noncommissioned officers, and enlisted men of the United States Navy and Marine Corps on the retired list who had creditable Civil War service, etc., intended to be proposed by him to the naval appropriation bill, which was referred to the Committee on Naval Affairs and ordered to be printed.

He also submitted an amendment relative to the rank of petty officers, noncommissioned officers, and enlisted men of the Army on the retired list who had creditable Civil War service in the Regular or Volunteer forces prior to April 9, 1865, etc., intended to be proposed by him to the Army appropriation bill, which was referred to the Committee on Military Affairs and ordered to be printed.

Mr. GALLINGER submitted an amendment proposing to appropriate \$8,500 for the improvement of Macomb Street NW., from Thirty-third Street to Thirty-sixth Street, intended to be proposed by him to the District of Columbia appropriation bill, which was ordered to be printed and, with the accompanying papers, referred to the Committee on Appropriations.

Mr. CLAPP (by request) submitted an amendment proposing to appropriate \$2,000 for the opening and improvement of Eighteenth Street, between Minnesota Avenue and Good Hope Road SE., intended to be proposed by him to the District of Columbia appropriation bill, which was ordered to be printed and, with the accompanying paper, referred to the Committee on Appropriations.

Mr. FLETCHER submitted an amendment proposing to appropriate \$75,000 for an inland waterway from Pensacola Bay through Bay La Launch to the western shore of Wolf Bay, Fla. and Ala., intended to be proposed by him to the river and harbor appropriation bill, which was referred to the Committee on Commerce and ordered to be printed.

He also submitted an amendment providing for an inland waterway from Wolf Bay to Mobile Bay, Ala., etc., intended to be proposed by him to the river and harbor appropriation bill, which was referred to the Committee on Commerce and ordered to be printed.

Mr. BRANDEGEE submitted an amendment proposing to appropriate \$400 for the expenses of the jury commission of the District of Columbia, etc., intended to be proposed by him to the District of Columbia appropriation bill, which was ordered to be printed, and, with the accompanying paper, referred to the Committee on Appropriations.

Mr. LODGE submitted an amendment proposing to appropriate \$25,000 to meet the expenses incident to holding an international shooting competition at Camp Perry, Ohio, in co-operation with the Perry Victory Centennial celebration to be held in September, 1913, etc., intended to be proposed by him to the Army appropriation bill, which was ordered to be printed, and, with the accompanying paper, referred to the Committee on Military Affairs.

Mr. SIMMONS submitted an amendment proposing to appropriate \$1,100,000 for the construction of a harbor of refuge at Cape Lookout, N. C., etc., intended to be proposed by him to the river and harbor appropriation bill, which was referred to the Committee on Commerce and ordered to be printed.

Mr. CRAWFORD submitted an amendment proposing to appropriate \$75,000 for such bank revetment above Elk Point, on the Missouri River, etc., intended to be proposed by him to the river and harbor appropriation bill, which was referred to the Committee on Commerce and ordered to be printed.

He also submitted an amendment proposing to appropriate \$5,000 for expenses of exploration in the steppe regions of western Siberia for specimens and seeds of yellow-flowered hardy alfalfa for use in experimental tests, etc., intended to be proposed by him to the Agriculture appropriation bill, which was referred to the Committee on Agriculture and Forestry and ordered to be printed.

Mr. CURTIS submitted an amendment proposing to appropriate \$85 to pay A. L. Robb, of Atchison, Kans., for extra services as mail carrier, intended to be proposed by him to the Post Office appropriation bill, which was referred to the Committee on Post Offices and Post Roads and ordered to be printed.

Mr. BOURNE presented an amendment proposing to appropriate \$100,000 for improving Tillamook Bay and Bar, Oreg., etc., intended to be proposed by him to the river and harbor appropriation bill, which was referred to the Committee on Commerce and ordered to be printed.

He also submitted an amendment providing for the survey of Nehalem Bay and River, Oreg., etc., intended to be proposed by him to the river and harbor appropriation bill, which was referred to the Committee on Commerce and ordered to be printed.

He also submitted an amendment proposing to increase the appropriation for improving the Columbia River between the foot of The Dalles Rapids and the head of Celilo Falls, Oreg. and Wash., from \$600,000 to \$1,200,000, intended to be proposed by him to the river and harbor appropriation bill, which was referred to the Committee on Commerce and ordered to be printed.

He also submitted an amendment providing for the improvement of the harbor at Coos Bay, Oreg., etc., intended to be proposed by him to the river and harbor appropriation bill, which was referred to the Committee on Commerce and ordered to be printed.

He also submitted an amendment proposing to increase the appropriation for improving the Willamette and Yamhill Rivers, Oreg., from \$30,000 to \$40,000, etc., intended to be proposed by him to the river and harbor appropriation bill, which was referred to the Committee on Commerce and ordered to be printed.

CONNECTICUT RIVER DAM.

Mr. BORAH. I submit an amendment intended to be proposed by me to the bill (S. 8033) to authorize the Connecticut River Co. to relocate and construct a dam across the Connecticut River above the village of Windsor Locks, in the State of Connecticut, which I ask may be read and lie on the table.

There being no objection, the amendment was read and ordered to lie on the table, as follows:

Amendment intended to be proposed by Mr. BORAH to the bill (S. 8033) to authorize the Connecticut River Co. to relocate and construct a dam across the Connecticut River above the village of Windsor Locks, in the State of Connecticut, to wit:

Insert a new section, to be known as section 6, as follows:

"SEC. 6. That no part of the cost or expense incurred or sustained in locating, constructing, building, or maintaining any dam located, constructed, built, or maintained under the act of June 17, 1902, entitled 'An act appropriating the receipt from the sale and disposal of public lands in certain States and Territories to the construction of irrigation works for the reclamation of arid lands,' shall be charged against the entrymen or settlers taking up lands upon such reclamation projects, but all and the entire of such cost or expense shall be borne by the Government and paid out of the Treasury of the United States, out of any money not otherwise appropriated, and any charges heretofore made against settlers or entrymen for the locating, constructing, building, or maintaining of any such dam or dams shall be deducted and taken out of any amounts yet due and unpaid to the Government by and upon the part of such entrymen or settlers."

SEC. 2. Renumber section 6 as section 7.

WITHDRAWAL OF PAPERS—JOHN CARR.

On motion of Mr. CURTIS, it was

Ordered, That the papers accompanying the bill (S. 6531) granting a pension to John Carr, Company D, One hundred and sixteenth Regiment Illinois Volunteer Infantry, be withdrawn from the files of the Senate, no adverse report having been made upon the same.

EMPLOYMENT OF STENOGRAPHER.

Mr. BRISTOW submitted the following resolution (S. Res. 446), which was read and referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Resolved, That the Secretary of the Senate be, and he hereby is, authorized and directed to pay for a stenographer to a Senator who is not chairman of a committee, at \$1,200 per annum, from February 3, 1913, to be paid from the contingent fund of the Senate until the expiration of the present Congress.

COUNTING OF ELECTORAL VOTE.

Mr. DILLINGHAM. I submit the following resolution, for which I ask present consideration.

The resolution was read, considered by unanimous consent, and agreed to, as follows:

Resolved, That the tellers on the part of the Senate authorized by the concurrent resolution of the two Houses relating to the counting of the electoral vote for President and Vice President of the United States be appointed by the President pro tempore.

The PRESIDENT pro tempore. Under the resolution just adopted by the Senate, the Chair appoints the Senator from Vermont [Mr. DILLINGHAM] and the Senator from New Jersey [Mr. MARTINE] tellers on the part of the Senate.

INTERSTATE SHIPMENT OF LIQUORS (S. DOC. NO. 1060).

Mr. GRONNA. I have a pamphlet, being a brief on the so-called Kenyon interstate liquor shipment bill. I ask that the pamphlet be printed as a Senate document.

The PRESIDENT pro tempore. Without objection it is so ordered.

STANDING ROCK INDIAN RESERVATION.

Mr. CLAPP. I present a conference report, and as it is very brief I ask unanimous consent for its present consideration.

The committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 109) to authorize the sale and disposition of the surplus and unlotted lands in the Standing Rock Indian Reservation, in the States of South Dakota and North Dakota, and making appropriation and provision to carry the same into effect, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendment of the House and agree to the same with the following amendments: Page 3 of the amendment, line 21, after the word "said," strike out the word "reservations" and insert in lieu thereof the word "reservation." Page 6 of the amendment, line 4, after the word "entry" strike out the word "six" and insert in lieu thereof the word "five." Page 6 of the amendment, line 8, strike out the first two words of said line, to wit: "Four dollars" and insert in lieu thereof the words "Three dollars and fifty cents," and the House agree to the same.

MOSES E. CLAPP,
PORTER J. McCUMBER,
HENRY F. ASHURST,

Managers on the part of the Senate.

JOHN H. STEPHENS,
SCOTT FERRIS,
CHARLES H. BURKE,

Managers on the part of the House.

The report was agreed to.

CONNECTICUT RIVER DAM.

Mr. BRANDEGEE. Mr. President, on Saturday last, just before adjournment, I asked unanimous consent for the fixing of a day for the consideration of an important bill on the calendar, authorizing the construction of a dam across the Connecticut River. At the request of the senior Senator from Idaho [Mr. BORAH], the matter was deferred until to-day. I now send to the desk a proposed unanimous-consent agreement relating to that bill, and I ask unanimous consent for its adoption.

The PRESIDENT pro tempore. The Senator from Connecticut asks unanimous consent for the adoption of the order which he has sent to the desk, which will be read.

The Secretary read as follows:

It is agreed by unanimous consent that on Thursday, February 6, 1913, immediately upon the conclusion of the routine morning business, the Senate will proceed to the consideration of Senate bill 8033, calendar No. 1001, authorizing the construction of a dam across the Connecticut River, and before adjournment on that legislative day will vote upon any amendment that may be pending, all amendments that may be offered, and upon the bill through regular parliamentary stages to its final disposition.

This agreement shall not interfere with the unanimous-consent agreement entered into on January 11, 1913, concerning Senate bill 4043, to prohibit interstate commerce in intoxicating liquors in certain cases nor with appropriation bills, conference reports, or the consideration of the commemorative resolutions which are on the calendar for Saturday, February 8.

Mr. BORAH. Mr. President, this bill, as I said upon Saturday, is apparently one of local concern only, but, upon examination of the bill, I conceive it to be one of very general concern. I do not want to be placed in the position of opposing the proper consideration of the bill, and I am perfectly willing that the bill shall, for instance, be made the unfinished business, so that it may come up from day to day and we may discuss it; but I do not feel this morning that I am willing to consent, at this late hour in the session, that a bill, which is of vast importance to the country, and to our part of the country particularly, shall be crowded in and considered under the compulsion of a unanimous-consent agreement. If the bill should pass without certain amendments, judging the future by the past, the President would undoubtedly veto the bill, and therefore nothing would be gained. If the bill should pass with certain amendments, then it is the entering wedge, Mr. President, to the establishment of a policy in this country with reference to power sites than which there is no more important subject before the country. Whether I agree with the bill or whether I disagree with it in its present form would make very little difference, for the reason that there is not sufficient time to work out and amplify and make efficient a power-site measure which will be what it ought to be when it is finally adopted. What I object to, however, is the adoption of that which will be cited as a precedent and the initiation of a policy without carrying with it all those things which a policy of that kind should have.

Step by step, rather quietly and inoffensively and modestly, they are fastening upon our part of the country a system which is not entirely agreeable to all parties. While this measure may be a proper one, I think anyone must concede that there are many other things which ought to go with it, and that many things should be done with reference to the matter of conservation on the other side of the question, in order to make conservation something aside from that of reservation. What I want is to take up this whole question and formulate a policy of conservation which will make our natural resources available to the people. As it is now our coal, our power sites, our agricultural lands are locked up, and it does seem to me that we ought to formulate a policy which while conserving these resources against monopoly permits them to be available to the people. I am opposed to this piecemeal, slipshod, incomplete, and ineffective method of dealing with the subject.

Mr. President, just a word further. I am perfectly willing, as I have said, to meet with all those who are in favor of establishing a policy with reference to our water-power sites, such a policy as will prevent their being taken possession of by a few corporations and monopolies; but, at the same time, I should want a policy which would be of some service to the people in the community in which the power sites are established. If we are going to push this bill with these amendments in it, I feel that the entire subject should be fought out and a policy as broad as the country established, because this will be cited as a precedent.

I ask the Senator from Connecticut if he is not willing that this bill should be made the unfinished business, so that we may work out around this proposition a measure commensurate with the importance of the subject with which it deals?

Mr. BRANDEGEE. Mr. President, replying to the suggestion of the Senator from Idaho, I have this to observe: Of course I understand that what he has said is tantamount to an objection if I should persist in the application for unanimous consent to vote on the bill on the legislative day named. Am I not correct?

Mr. BORAH. Permit me to say, Mr. President, that I would say that it is tantamount to that only for to-day. I would have to object to it for to-day for the reason that the Senator from Colorado [Mr. THOMAS], who is absent, asked that the matter be not disposed of to-day, and, so far as to-day is concerned, I would have to object. I am very anxious—just as anxious as anyone else can be—that this matter be worked out; but I am sure that only one side of it is being worked out by this bill; and while I do not say that I would object to a unanimous-consent agreement, I would object to it taking effect in so short a time that we could not have sufficient opportunity to properly debate the measure. I would want a longer time than the 6th of February.

Mr. BRANDEGEE. The 6th of February, of course, was only the time of the legislative day upon which the bill would be acted upon. The legislative day might run on for any number of calendar days after that, as it would if the bill were the unfinished business.

Mr. BORAH. But it might require a vast amount of physical energy to run it on.

Mr. BRANDEGEE. The only objection to making the bill the unfinished business, Mr. President, would be that it might then be displaced at any time if the Senate should get tired of hearing the advocates of the bill discuss it. The Senate might then proceed to the consideration of something else, when the bill would be swept from its preferred position and relegated to the calendar.

So far as the discussion of the measure is concerned, of course, it could be proceeded with any day as the unfinished business, exactly as well as though the unanimous consent was granted; but there was no agreement for a disposition of the bill if it were made the unfinished business. I had offered the unanimous-consent proposition after conference with the chairman of the Committee on Commerce, the senior Senator from Minnesota [Mr. NELSON]; with the Senator from Alabama [Mr. BANKHEAD], who drew the views of the minority; and with the Senator from Ohio [Mr. BURTON], under whose immediate charge the bill is. It was satisfactory to all of us, and I had hoped that the unanimous consent might be granted. I think I should hardly feel justified in agreeing to another course of procedure unless there was actual objection made to this request for unanimous consent.

Mr. BORAH. Mr. President, as I have said, I shall have to object to the request for the day, but if the Senator from Colorado returns to-morrow perhaps we can agree upon it. I do not want to prevent the Senator from Connecticut getting his bill passed at this session, but I am very anxious that a proper time be given for its consideration, because there are extra-

neous matters in the bill, as I look at it—there are matters in it which ought to be in a separate bill—so that we could work out a policy with reference to power sites without having the extreme pressure of a local situation forcing us to the subject.

Mr. BRANDEGEE. Mr. President, I hope the Senator from Idaho will not proceed to the discussion of the bill now. I do not want to take up so much of the time of the Senate in asking for a unanimous-consent agreement. I admit there are many things in the bill about which Senators have different ideas, and I agree with the Senator from Idaho that time enough ought to be taken in the discussion of the provisions of the bill so that a proper bill may be worked out, if this is not a proper bill, and that a proper policy should be adopted; but my view has been, and still is, that that result, much to be desired, could be attained under a unanimous-consent agreement—a proposition which could run on for any number of calendar days—to finally dispose of it in some way upon the legislative day. That simply means that, without interfering with appropriation bills, conference reports, and the funeral exercises, the bill will be kept before the Senate until it is acted upon. It might be passed; it might be rejected; it might be amended, or it might be indefinitely postponed or laid upon the table; but the mere agreement to dispose of it does not at all deprive anybody of any rights, so far as I can see.

Mr. BORAH. Mr. President, as I have said, I will have to object to the request for to-day; but I do not desire to be understood, if the Senator wishes to consider the matter, as objecting further than to to-day.

Mr. BRANDEGEE. I understand the Senator does not object in a captious spirit at all, but in order that my own record may be clean and that I may not have waived any right or violated any understanding I had with the chairman of the committee, I wanted the objection to be made for the day. I will then confer with all these gentlemen again and propose some other course to-morrow. I give notice, however, that each day, until some program is agreed upon, I shall ask the Senate to attempt to agree upon a program for the early consideration of this bill.

Mr. JONES. Mr. President, I merely desire to suggest to the Senator that it seems to me a rather unusual course to ask for unanimous consent to consider a bill through all the stages to its final passage, involving a matter of this importance, when it has not been discussed at all and no consideration has been given to the measure in the Senate.

Mr. BRANDEGEE. Why, Mr. President, the procedure is not at all unusual.

Mr. JONES. I do not remember—

Mr. BRANDEGEE. The discussion may go on, as I have said, all the rest of the session, if Senators want to keep the matter before the Senate—

Mr. JONES. So I understand; but the bill—

Mr. BRANDEGEE. And if they do not so desire, they can indefinitely postpone the bill at any time.

Mr. JONES. That, of course, is entirely plain; but I do not remember of any time in my short service here where a bill of any importance has been put down by unanimous consent for consideration and disposal on a legislative day when no discussion has been had on it at all during the session.

Mr. BRANDEGEE. I do not care to discuss that now, because objection was made and the matter is not before the Senate.

Mr. JONES. I simply wanted to suggest that for the consideration of the Senator.

Mr. SMITH of Michigan. Mr. President, apropos of the discussion which has just taken place, I send to the Secretary's desk, and ask to have read for the information of the Senate, some telegrams bearing upon the Connecticut River improvement measure.

The PRESIDENT pro tempore. Without objection, the Secretary will read as requested.

The Secretary read as follows:

SPRINGFIELD, MASS., January 27, 1913.

Hon. WILLIAM ALDEN SMITH, Washington, D. C.:

We urge the immediate passage of Connecticut River bill as it is, without any amendments.

HOLYOKE BOARD OF TRADE,
By MORTON HULL, Secretary.

SPRINGFIELD, MASS., January 27, 1913.

Hon. WILLIAM ALDEN SMITH,
United States Senate, Washington, D. C.:

We trust that the Connecticut River bill will pass Congress without amendment. This is of vital commercial importance to all the large industries and commercial interests of Springfield, Chicopee, and Holyoke.

SPRINGFIELD BOARD OF TRADE.

SPRINGFIELD, MASS., January 27, 1913.

Senator WILLIAM ALDEN SMITH, Washington, D. C.:

Entire membership Connecticut Valley Waterways Association urge immediate passage in Senate, without amendment, of Connecticut River bill.

H. H. BOWMAN, Vice President.

SPRINGFIELD, MASS., January 28, 1913.

WILLIAM ALDEN SMITH,

Senate, Washington, D. C.:

We request immediate passage Connecticut River bill, without amendment.

JOHN A. DENISON, Mayor.

SPRINGFIELD, MASS., January 27, 1913.

Hon. WILLIAM ALDEN SMITH,

United States Senate, Washington, D. C.:

It is absolutely necessary to obtain adequate navigation in Connecticut River for western Massachusetts that Connecticut River bill be passed without amendment at this session of Congress.

SPRINGFIELD BOARD OF TRADE,
CHAS. H. BECKWITH, Counsel.

INSPECTION AND GRADING OF GRAIN.

Mr. CRAWFORD. Mr. President, the bill (S. 223) to provide for the inspection and grading of grain entering into interstate commerce, and to secure uniformity in standards and classification of grain, and for other purposes, being Calendar No. 870, is a bill in which the producers of cereals and grains in the Northwest are very much interested. I give notice that at the conclusion of the consideration of Senate bill No. 1, which the Senator from Oklahoma [Mr. OWEN] has given notice he would call up for consideration, I shall ask the Senate to consider Senate bill 223.

DEPARTMENT OF HEALTH.

Mr. OWEN. Mr. President, on January 30 I gave notice that to-day, after the morning business was disposed of, I should move that the Senate proceed to the consideration of Senate bill No. 1, a bill providing for the establishment of a department of health.

It has been three years since a bill was introduced for the purpose of establishing a department of health substantially of like purpose with that which is now before the Senate, on the calendar as Senate bill No. 1, providing for a department of health. This bill was very thoroughly and carefully considered by the committee; many hearings were given; and it was reported on April 13, 1912, now nearly one year ago.

The Republican Party has committed itself to the policy of improving the processes for caring for the public health. The Democratic Party has declared in favor of it in terms most explicit. The question has been referred to the President's Commission on Efficiency, and a favorable report made by that commission.

I do not think the bill now needs debate. I do not wish to take up the time of the Senate to go into any prolonged debate. I should like merely to state, as a brief—

The PRESIDENT pro tempore. The Chair will call the attention of the Senator to the fact that he has not yet moved to take up the bill.

Mr. OWEN. I am now submitting a few preliminary observations, and will then make the motion.

The PRESIDENT pro tempore. Without objection, the Senator will proceed.

Mr. OWEN. The bill merely provides for the consolidation of an independent health service with our present health service, combined with the bureaus having charge of the enforcement of the pure-food act and the collection of vital statistics. The matter is before the Senate, and I think it is well understood by every Senator. I trust the matter may be disposed of without any extended debate. I shall be very glad to answer any questions with regard to it that may be asked.

I now move that the Senate proceed to the consideration of Senate bill No. 1.

Mr. WORKS. Mr. President, I hope the Senate will not take up this bill for consideration at this time. This is what is generally known as the Owen medical bill. It is perhaps one of the most generally discussed bills outside of Congress, and it is one of the most earnestly opposed bills that has ever been before the Senate.

Mr. SMOOT. Mr. President—

The PRESIDING OFFICER (Mr. BRYAN in the chair). Does the Senator from California yield to the Senator from Utah?

Mr. WORKS. I yield to the Senator.

Mr. SMOOT. If we are going to discuss this question and to vote upon it, I believe we ought to have a quorum of the Senate present. I suggest the absence of a quorum.

The PRESIDING OFFICER. The Senator from Utah suggests the absence of a quorum. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Cullom	Lea	Shively
Bacon	Cummins	Lippitt	Simmons
Bourne	Curtis	McCumber	Smith, Ariz.
Brandeggee	Dillingham	McLean	Smith, Ga.
Bristow	du Pont	Martine, N. J.	Smith, Md.
Brown	Gallinger	Myers	Smith, Mich.
Bryan	Gamble	Oliver	Smoot
Burnham	Gardner	Owen	Stephenson
Burton	Gore	Page	Thornton
Cañon	Gronna	Paynter	Warren
Chamberlain	Hitchcock	Percy	Watson
Clapp	Jackson	Perkins	Webb
Clark, Wyo.	Johnson, Me.	Perky	Wetmore
Clarke, Ark.	Jones	Pomerene	Williams
Crane	Kenyon	Richardson	Works
Culberson	La Follette	Sheppard	

The PRESIDING OFFICER. Sixty-three Senators have responded to their names. A quorum of the Senate is present.

Mr. OWEN. Mr. President, upon my motion I call for the yeas and nays.

The yeas and nays were not ordered.

Mr. WORKS. Mr. President, when I was interrupted I was saying that this is what is generally known as the Owen medical bill—

Mr. GALLINGER and Mr. HITCHCOCK addressed the Chair. The PRESIDING OFFICER. Does the Senator from California yield, and to whom?

Mr. WORKS. I yield to the Senator from New Hampshire.

Mr. GALLINGER. I suggest to the Senator from California, if he will permit me, that under our rules the motion is not debatable. It is true the Senator from Oklahoma debated it before making the motion, but I think we ought not to violate our rule. We will have plenty of debate if the bill comes up.

Mr. WORKS. I am certainly not disposed to violate any of the rules of the Senate. If there is objection—

Mr. GALLINGER. Of course, I do not object.

The PRESIDING OFFICER. The question is, Shall the Senate take up Senate bill No. 1 for consideration?

Mr. SMOOT. Mr. President—

Mr. GALLINGER. To which there is objection.

The PRESIDING OFFICER. The Senator from New Hampshire objects.

Mr. OWEN. I move that the Senate proceed to the consideration of the bill. I have a right, I believe, under the parliamentary rule, to have the voice of the Senate upon that question. I ask that the yeas and nays be taken, if the motion is not agreed to by a viva voce vote.

The PRESIDING OFFICER. Undoubtedly the Senator has a right to a vote upon whether or not the Senate will take up the bill. But the Senator has not a right to the yeas and nays, unless a fifth of the Senators present demand the yeas and nays.

Mr. GALLINGER. And the Senate has declined to order the yeas and nays.

Mr. OWEN. I wish to suggest that there has not been submitted to the Senate the question whether or not the bill shall be taken up.

Mr. WORKS. I ask unanimous consent that I may make an explanation with reference to the matter, for the purpose of showing why I, personally, am not prepared at the present time to take up the discussion of the bill, and to give my reasons therefor in a very few words.

The PRESIDING OFFICER. The Senator from California asks unanimous consent that he may proceed to discuss the bill. Is there objection?

Mr. WORKS. Not to discuss the bill; I am not asking that. I do not expect to do that.

Mr. OWEN. The request of the Senator from California, I understand, is that the bill be not now considered because he is not prepared to discuss it.

Mr. WORKS. That is all.

Mr. OWEN. To that I am constrained to object.

The PRESIDING OFFICER. Objection is made. The question is whether the Senate shall take up Senate bill No. 1, notwithstanding the objection of the Senator from New Hampshire.

Mr. CLARKE of Arkansas. I ask unanimous consent that the Senator from California be allowed to submit certain remarks in explanation of the reasons why he does not care to have the bill considered at this time. That is all he asks.

Mr. WORKS. That is all I ask.

Mr. OWEN. I have no objection to that.

Mr. GALLINGER. I rise to correct a statement by the Chair. I did not object to the bill coming up. The Senator

from Oklahoma moved that it should be taken up, and on that motion he asked for the yeas and nays. The yeas and nays were denied; and the only objection I made was, the yeas and nays having been denied, that the Senator could not renew his request.

The PRESIDING OFFICER. The Chair understood the Senator from New Hampshire to object. Is there objection to the request that the Senator from California may proceed to make an explanation as to his attitude upon the bill, or a personal explanation, as the Chair understands the request? The Chair hears none. The Senator from California will proceed.

Mr. WORKS. Mr. President, one of the very important questions that will arise in the discussion of this bill is as to whether or not it is necessary legislation. On the 6th day of January I offered a resolution here, which was passed by the Senate, calling upon the Secretary of the Treasury to furnish to the Senate information as to the medical activities of the Government, and the amount of money that has been expended during the last year for that purpose. That report has not yet come to the Senate. I expect it to disclose fully the different bureaus and branches of the medical service as they now exist and the amount of money that the Government has paid out in sustaining the medical activities of the Government.

The delay in receiving this report has not been upon my part. I have inquired about it on one or two occasions. I wrote to the Secretary of the Treasury a private letter, saying to him that it was important that that information should be had by the Senate before this bill was taken up. This morning, after I learned that the Senator from Oklahoma desired to take up the bill, I telephoned to the Treasury Department to ascertain when that information could be had, and was informed that two of the bureaus had not yet furnished the necessary information, and that it would take a day or two, or perhaps a little longer, to get that information.

I very much desire, and I think the Senate will desire, to have that important information before the Senate before the bill is taken up for discussion. It is one that necessarily will be discussed at considerable length. I expect to make some extended remarks upon it myself, and I desire to have this information and data before the bill is taken up for discussion.

Mr. SMOOT. I move that the Senate proceed to the consideration of executive business.

Mr. OWEN. I make the point of order that my motion is before the Senate.

The PRESIDING OFFICER. The motion of the Senator from Utah, however, has precedence.

Mr. OWEN. Then I move a recess until 2 o'clock.

Mr. SMOOT. That motion is not in order, Mr. President.

Mr. OWEN. That motion takes precedence of a motion to go into executive session, as I understand the rules of the Senate.

Mr. SMOOT. Not a motion for a recess; a motion to adjourn is the only motion that would take precedence.

Mr. OWEN. I make a motion that the Senate adjourn and reassemble at 2 o'clock.

Mr. SMOOT. That motion is not in order, Mr. President.

The PRESIDING OFFICER. The Chair will hear from the Senator from Oklahoma upon that motion.

Mr. JOHNSTON of Alabama. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The Senator from Alabama suggests the absence of a quorum. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Curtis	McLean	Smith, Md.
Bacon	Dillingham	Martine, N. J.	Smoot
Bourne	Gallinger	Myers	Stephenson
Brandeggee	Gardner	O'Gorman	Sutherland
Bristow	Gore	Oliver	Swanson
Brown	Gronna	Owen	Thornton
Bryan	Hitchcock	Page	Tillman
Burnham	Johnson, Me.	Percy	Townsend
Cañon	Johnston, Ala.	Perkins	Warren
Chamberlain	Kavanaugh	Perky	Watson
Clapp	Kenyon	Pomerene	Webb
Clark, Wyo.	La Follette	Richardson	Wetmore
Clarke, Ark.	Lea	Sheppard	Williams
Cullom	Lippitt	Shively	Works
Cummins	McCumber	Smith, Ariz.	

The PRESIDING OFFICER. Fifty-nine Senators have responded to their names, and a quorum of the Senate is present. The Senate will pardon a statement. The Chair is of the opinion that the motion of the Senator from Oklahoma would take precedence, but the time having arrived to which he moved a recess the motion becomes inoperative. The Senator from Utah moves that the Senate proceed to the consideration of executive business. The question is on the motion of the Senator from Utah.

Mr. SMITH of Georgia. On that I ask for the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. CLARK of Wyoming (when his name was called). I have a general pair with the senior Senator from Missouri [Mr. STONE]. I transfer that pair for the day to the junior Senator from Nevada [Mr. MASSEY]. I vote "yea."

Mr. CULLOM (when his name was called). I have a general pair with the junior Senator from West Virginia [Mr. CHILTON] and therefore withhold my vote.

Mr. RICHARDSON (when his name was called). I have a general pair with the junior Senator from South Carolina [Mr. SMITH] and therefore withhold my vote. If he were present, I should vote "yea."

Mr. WARREN (when his name was called). I have a general pair with the senior Senator from Louisiana [Mr. FOSTER]. I therefore withhold my vote.

Mr. WATSON (when his name was called). I have a general pair with the senior Senator from New Jersey [Mr. BRIGGS]. I transfer that pair to the junior Senator from Colorado [Mr. THOMAS] and vote "nay."

Mr. WILLIAMS (when his name was called). I have a pair with the senior Senator from Pennsylvania [Mr. PENROSE]. I transfer that pair to the junior Senator from Missouri [Mr. REED] and vote. I vote "nay."

The roll call was concluded.

Mr. SHIPLEY. I wish to announce that my colleague [Mr. KERN] is temporarily absent from the Chamber on important public business.

Mr. WARREN. As I stated before, I am paired with the Senator from Louisiana [Mr. FOSTER]. I make a transfer so that that Senator will stand paired with the Senator from Maryland [Mr. JACKSON]. I will therefore vote. I vote "yea."

Mr. DU PONT (after having voted in the affirmative). I should like to inquire whether the senior Senator from Texas [Mr. CULBERSON] has voted.

The PRESIDING OFFICER. The Chair is informed that that Senator has not voted.

Mr. DU PONT. Under those circumstances, as I have a general pair with the senior Senator from Texas, I will withdraw my vote.

Mr. RICHARDSON. I will transfer my pair with the Senator from South Carolina [Mr. SMITH] to the Senator from New Mexico [Mr. FALL] and vote "yea."

Mr. SMOOT. I desire to announce that the senior Senator from Minnesota [Mr. NELSON] is paired with the senior Senator from Virginia [Mr. MARTIN].

Mr. JONES. I desire to state that my colleague [Mr. POINDEXTER] is detained from the Chamber on important business.

The result was announced—yeas 37, nays 37, as follows:

YEAS—37.

Bourne	Crawford	Lippitt	Smoot
Brandeggee	Cummins	Lodge	Stephenson
Bristow	Curtis	McCumber	Sutherland
Brown	Dillingham	McLean	Townsend
Burnham	Gallinger	Oliver	Warren
Burton	Gamble	Page	Wetmore
Catron	Gronna	Perkins	Works
Clapp	Guggenheim	Richardson	
Clark, Wyo.	Jones	Root	
Crane	Kenyon	Smith, Mich.	

NAYS—37.

Ashurst	Johnson, Me.	Owen	Smith, Md.
Bacon	Johnston, Ala.	Paynter	Swanson
Bankhead	Kavanaugh	Percy	Thornton
Bryan	La Follette	Perky	Tillman
Chamberlain	Lea	Pomerene	Watson
Clarke, Ark.	Martine, N. J.	Sheppard	Webb
Fletcher	Myers	Shively	Williams
Gardner	Newlands	Simmons	
Gore	O'Gorman	Smith, Ariz.	
Hitchcock	Overman	Smith, Ga.	

NOT VOTING—21.

Borah	Dixon	Martin, Va.	Smith, S. C.
Bradley	du Pont	Massey	Stone
Briggs	Fall	Nelson	Thomas
Chilton	Foster	Penrose	
Culbertson	Jackson	Pointexter	
Cullom	Kern	Reed	

So the Senate refused to proceed to the consideration of executive business.

The PRESIDING OFFICER. The question recurs on the motion of the Senator from Oklahoma [Mr. OWEN] to proceed to the consideration of Senate bill No. 1. [Putting the question.] The yeas appear to have it.

Mr. OWEN. I ask for the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. DU PONT (when his name was called). I have a general pair with the senior Senator from Texas [Mr. CULBERSON]. As he is absent from the Chamber, I will withhold my vote.

Mr. RICHARDSON (when his name was called). I have a general pair with the Senator from South Carolina [Mr. SMITH]. I transfer that pair to the Senator from New Mexico [Mr. FALL] and vote "nay."

Mr. WARREN (when his name was called). I transfer my general pair with the Senator from Louisiana [Mr. FOSTER], so that he will stand paired with the Senator from Maryland [Mr. JACKSON]. I vote "nay."

Mr. WATSON (when his name was called). I transfer my pair with the Senator from New Jersey [Mr. BRIGGS] to my colleague [Mr. CHILTON], and I vote "yea."

Mr. WILLIAMS (when his name was called). With the same explanation that I made upon the last roll call, I desire to vote. I vote "yea."

The roll call was concluded.

Mr. DILLINGHAM (after having voted in the negative). I will inquire whether the senior Senator from South Carolina [Mr. TILLMAN] has voted.

The PRESIDING OFFICER. That Senator has not voted, the Chair is informed.

Mr. DILLINGHAM. Then I withdraw my vote, having a general pair with that Senator.

The result was announced—yeas 33, nays 33, as follows:

YEAS—33.

Ashurst	Gore	O'Gorman	Smith, Ga.
Bacon	Hitchcock	Overman	Swanson
Bryan	Johnson, Me.	Owen	Thornton
Burton	Johnston, Ala.	Paynter	Watson
Chamberlain	Kavanaugh	Percy	Webb
Clarke, Ark.	Lea	Perky	Williams
Crawford	Martine, N. J.	Pomerene	
Fletcher	Myers	Sheppard	
Gardner	Newlands	Smith, Ariz.	

NAYS—33.

Borah	Crane	Lippitt	Stephenson
Bourne	Cullom	Lodge	Sutherland
Brandeggee	Cummins	McCumber	Townsend
Bristow	Gallinger	Oliver	Warren
Brown	Gronna	Page	Wetmore
Burnham	Guggenheim	Perkins	Works
Catron	Jones	Richardson	
Clapp	Kenyon	Smith, Mich.	
Clark, Wyo.	La Follette	Smoot	

NOT VOTING—29.

Bankhead	du Pont	Massey	Smith, Md.
Bradley	Fall	Nelson	Smith, S. C.
Briggs	Foster	Penrose	Stone
Chilton	Gamble	Pointexter	Thomas
Culbertson	Jackson	Reed	Tillman
Curtis	Kern	Root	
Dillingham	McLean	Shively	
Dixon	Martin, Va.	Simmons	

So Mr. OWEN's motion was not agreed to.

THE CALENDAR.

Mr. SMITH of Georgia. I move that the Senate take up the regular calendar of business and proceed to the consideration of unobjected bills.

Mr. LODGE and others. That is right.

The PRESIDING OFFICER. The Senator from Georgia moves that the Senate proceed to the consideration of unobjected bills under Rule VIII.

The motion was agreed to.

Mr. LODGE. Only unobjected bills are to be considered.

The PRESIDING OFFICER. The first bill on the calendar will be stated.

The bill (S. 2493) authorizing the Secretary of the Treasury to make an examination of certain claims of the State of Missouri was announced as first in order.

Mr. SMOOT. Let that go over.

The PRESIDING OFFICER. The bill goes over on objection.

The bill (S. 1505) for the relief of certain officers on the retired list of the United States Navy was announced as next in order.

Mr. BRISTOW. Let that go over.

The PRESIDING OFFICER. The bill will go over.

The bill (S. 2151) to authorize the Secretary of the Treasury to use at his discretion surplus moneys in the Treasury in the purchase or redemption of the outstanding interest-bearing obligations of the United States was announced as next in order.

Mr. OVERMAN. Let that go over.

The PRESIDING OFFICER. The bill will go over.

The bill (S. 256) affecting the sale and disposal of public or Indian lands in town sites, and for other purposes, was announced as next in order.

Mr. GALLINGER. Let that go over.

The PRESIDING OFFICER. The bill will go over.

The bill (S. 3) to cooperate with the States in encouraging instruction in agriculture, the trades, and industries and home economics in secondary schools; in maintaining instruction in these vocational subjects in State normal schools; in maintaining extension departments in State colleges of agriculture and mechanic arts; and to appropriate money and regulate its expenditure, was announced as next in order.

Mr. GALLINGER. I move that the bill be indefinitely postponed.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. PAGE subsequently said: I should like to know what action was taken on Senate bill No. 3?

The PRESIDING OFFICER. The bill was indefinitely postponed.

Mr. PAGE. I suppose that is what will be eventually done with it, but I ask the Senate not to do it now, for I do not know what may be the condition later.

The PRESIDING OFFICER. That has already been done.

Mr. GALLINGER. I ask that the motion be reconsidered; that the bill be passed over without prejudice.

Mr. PAGE. Yes; let it go over without prejudice.

The PRESIDING OFFICER. Without objection, the motion by which the bill was indefinitely postponed will be reconsidered, and the bill goes over.

The bill (S. 2234) to provide for a primary nominating election in the District of Columbia, at which the qualified electors of the said District shall have the opportunity to vote for their first and second choice among those aspiring to be candidates of their respective political parties for President and Vice President of the United States, to elect their party delegates to their national conventions, and to elect their national committeemen was announced as next in order.

Mr. GALLINGER. Let the bill go over.

The PRESIDING OFFICER. The bill will go over.

The bill (S. 5728) conferring jurisdiction on the Court of Claims to hear, determine, and render judgment in claims of the Osage Nation of Indians against the United States was announced as next in order.

Mr. SMOOT. Let that go over.

The PRESIDING OFFICER. The bill goes over.

The bill (S. 3316) to repeal an act entitled "An act to promote reciprocal trade relations with the Dominion of Canada, and for other purposes," approved July 26, 1911, was announced as next in order.

Mr. GALLINGER. I ask that the bill be placed under Rule IX.

The PRESIDING OFFICER. Without objection, it will be so ordered.

The bill (S. 5186) to incorporate the Brotherhood of North American Indians was announced as next in order.

Mr. SMOOT. Let that go over.

The PRESIDING OFFICER. The bill will go over.

The bill (S. 461) conferring jurisdiction on the Court of Claims to hear, determine, and render judgment in claims of the Ponca Tribe of Indians against the United States was announced as next in order.

Mr. SMOOT. Let that bill go over.

The PRESIDING OFFICER. The bill goes over.

The bill (S. 5917) relating to procedure in United States courts was announced as next in order.

Mr. CLARKE of Arkansas. Let that bill go over.

The PRESIDING OFFICER. The bill goes over.

HARRIET PIERSON PORTER.

The bill (S. 118) granting an increase of pension to Harriet Pierson Porter was announced as next in order.

Mr. DU PONT. Mr. President, if there is no objection to that bill, I should be very glad to have it taken up.

Mr. McCUMBER. There will be some discussion on it, if that is done, but I do not desire to object.

The PRESIDING OFFICER. What is the request of the Senator from Delaware?

Mr. DU PONT. My request is that the bill be taken up; it has been on the calendar a very long time.

Mr. BRANDEGEE. No one has objected to its consideration.

Mr. GALLINGER. No.

The PRESIDING OFFICER. No one has objected to the consideration of the bill so far. Is there objection?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Pensions with amendments, on page 1, line 7, before the word "general," to strike out "brevet brig-

dier" and insert "major"; in line 7, after the name "United States," to strike out "Army" and insert "Volunteers"; and in line 8, after the words "rate of," to strike out "one hundred" and insert "fifty," so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Harriet Pierson Porter, widow of Fitz John Porter, late major general, United States Volunteers, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The amendments were agreed to.

Mr. McCUMBER. I ask for the reading both of the favorable and the adverse reports in this case.

The PRESIDING OFFICER. Without objection, the Secretary will read as requested.

The Secretary read the report submitted by Mr. DU PONT April 10, 1912, as follows:

The Committee on Pensions, to whom was referred the bill (S. 118) granting an increase of pension to Harriet P. Porter, have examined the same and report:

This bill as amended proposes to increase from \$12 to \$50 per month the pension of Harriet P. Porter, widow of Fitz John Porter, late major general, United States Volunteers.

The military history of Gen. Fitz John Porter shows that he was a cadet at the United States Military Academy from July 1, 1841, to July 1, 1845, when graduated and appointed brevet second lieutenant, Fourth Artillery. He was promoted full second lieutenant June 18, 1846; first lieutenant May 29, 1847; and was breveted assistant adjutant general June 27, 1856. He was commissioned as colonel, Fifteenth Infantry, May 14, 1861, and a few days later was appointed brigadier general of Volunteers. He was promoted major general of Volunteers July 14, 1862, and was cashiered and dismissed from the Army January 21, 1863. By act of Congress, approved July 1, 1886, he was restored as colonel of Infantry, to rank from May 14, 1861, and was retired from active service August 7, 1886. He served in the War with Mexico from September 6, 1846, to September, 1847, when wounded at the storming of Chapultepec. Gen. Porter died May 21, 1901, at the ripe old age of 80 years.

A similar bill, S. 5593, was introduced in the Sixty-first Congress and referred to a subcommittee. The following report made by that subcommittee in the third session of the Sixty-first Congress sets out in detail the services of Gen. Porter and the peculiar circumstances in his case:

"Your subcommittee, to whom was referred S. 5593, granting a pension to Harriet Pierson Porter, reports the same favorably with the following amendment, viz:

"Amend the title so as to read: 'Granting an increase of pension to Harriet Pierson Porter.'

"In line 8 strike out the period and insert a comma and the words 'in lieu of that she is now receiving.'

"Maj. Gen. Fitz-John Porter, to whose widow the bill gives an increase of pension, entered the United States Military Academy in 1841, graduated in 1845, and took part with the greatest distinction in all the battles of our Army under Gen. Scott in the Mexican War. He was wounded in the desperate assault upon the Belen Gate of the City of Mexico, the 20 desperate officers of his battery being killed, and 27 out of 30 enlisted men of the battery being killed or wounded.

"He served with honor in the Regular Army until the breaking out of the Civil War, when he was appointed colonel of one of the new regiments of Infantry, and soon afterwards major general of Volunteers, being assigned to the command of a division and afterwards the Fifth Corps of the Army of the Potomac under Gen. McClellan. Detached with his corps from that Army and ordered to join Gen. John Pope in front of Washington, he took part in the second Battle of Bull Run in August, 1862, where the Fifth Corps lost in about an hour's time 2,151 men, being one-third of its force present. Not long after a successful attempt was set on foot to unjustly make Gen. Porter the scapegoat of the disastrous defeat of the Union forces in that battle. Charges were preferred against him, and notwithstanding his indignant assertions of entire innocence he was tried by a general court-martial, which, after hearing a great deal of conflicting testimony, found him guilty and sentenced him to be cashiered and not allowed to hold any office of trust or profit under the United States Government.

"Conscious of his innocence, Gen. Porter used every effort for years to have his case reopened, and, after many unsuccessful attempts, in 1878 President Hayes at last ordered a board of inquiry to make a thorough investigation of his case. Various original dispatches and other important papers which had not been presented at the court-martial were laid before this board, together with the testimony of many Confederate general officers as to the exact location and strength of the southern troops opposed to Porter at the second Battle of Bull Run, upon which were based some of the chief allegations in support of the original charges, all of which conclusively showed that the previous evidence against him was absolutely false and misleading.

"The members of the board of inquiry, consisting of Gens. Schofield, Terry, and Getty, after a most searching investigation lasting over 12 months, reported that 'the original charges and specifications bore no discernible resemblance to the actual facts in the case. That the judgment of the original court-martial upon Gen. Porter's conduct was based upon totally erroneous impressions, not only respecting what his conduct really was, but respecting all the circumstances under which he acted, and that not one of all the gallant soldiers who took part in the occurrences under consideration was less deserving of such condemnation than he.'

"They further reported that, in their opinion, 'justice requires at his hands such action as may be necessary to annul and set aside the findings and sentence of the court-martial in the case of Maj. Gen. Fitz-John Porter, and restore him to the positions of which that sentence deprived him, such restoration to take effect from the date of his dismissal from the service.'

"President Hayes submitted this report to Congress 'for such action as shall seem expedient and just,' and although Gen. Grant, in a printed article in the North American Review made a very strong appeal that justice be done to Gen. Porter, no action was taken by Congress until June 25, 1885, when the bill was passed restoring him to the Regular Army with the rank of colonel as of the date of his dismissal, coupled with the proviso that he was to receive no pay or emoluments during the time he was out of service.

"Gen. Porter, upon his complete vindication and restoration to the Army, did not receive the back pay and emoluments, amounting to \$97,310.18, to which he would have been entitled had he not been most unjustly deprived of his commission, and which he should have received under every principle of justice and equity and in conformity with the precedents established by several analogous cases. In the opinion of your subcommittee this is a sufficient reason for excluding from consideration the fact that Mrs. Porter, who owns no real estate whatever, has an income of a little over \$1,700 a year upon which she has to support herself and an unmarried daughter.

"Attention is called to the statement of account hereto appended in the case of Gen. Fitz-John Porter, and also to a statement of analogous cases in which back pay and allowances were granted to officers who were restored to the Army as of the dates of their original commissions.

"H. A. DU PONT."

Statement of account in the case of Maj. Gen. Fitz-John Porter, showing the amount which would be due him on the assumption that he remained in the service as a major general of Volunteers until Dec. 1, 1865, and that from that date up to Aug. 6, 1886, he held the grade of colonel on the active list.

PAY.	
Jan. 21, 1863, to Dec. 31, 1865, pay of a major general, at \$220 per month	\$5,226.00
Jan. 1, 1863, to Feb. 28, 1865, 15 rations a day, at 30 cents each	1,809.00
Mar. 21, 1865, to Dec. 31, 1865, 15 rations a day, at 50 cents each	2,250.00
Total pay	9,285.00
ALLOWANCES.	
Servants: The officer was entitled to servants, not to exceed four, if employed.	
Jan. 21, 1863, to Mar. 2, 1865, 4 servants, at \$11 per month each	\$1,116.13
Mar. 3, 1865, to Dec. 31, 1865, 4 servants, at \$16 each per month	590.40
Total servant hire	1,706.53
FORAGE.	
Forage for horses, if kept.	
Jan. 1, 1863, to Dec. 31, 1865, at \$20 per month	\$465.96
PAY.	
Jan. 1, 1866, to June 30, 1866, pay of a colonel, at \$95 per month	\$570.00
6 rations and 4 additional rations for length of service, at 50 cents	900.00
July 1, 1866, to Mar. 1, 1867, pay of a colonel, at \$95 per month	763.16
6 rations and 5 additional rations for length of service, at 50 cents	795.30
Mar. 2, 1867, to July 14, 1870, pay of a colonel, at \$110 per month	4,443.92
July 1, 1866, to June 30, 1868, 33½ per cent increase on pay proper under section 1 of the act of Mar. 2, 1867	843.37
Mar. 2, 1867, to July 27, 1867, 6 rations plus 5 additional rations for length of service, at 50 cents	962.50
July 28, 1867, to July 14, 1870, 6 rations plus 5 additional rations, at 30 cents	3,554.21
Total pay for period from Jan. 1, 1866, to July 14, 1870	12,832.46
SERVANT HIRE.	
If servant was employed—July 1, 1866, to July 14, 1870, 2 servants, at \$16 each per month	\$1,552.00
Forage for horses Jan. 1, 1865, to Mar. 2, 1867, at \$12 per month	312.60
PAY.	
July 14, 1870, to Aug. 5, 1886, pay of a colonel with more than 20 years' service, at \$4,500 per annum	72,262.50
Summary.	
PAY.	
Jan. 21, 1863, to Dec. 31, 1865	\$9,285.00
Jan. 1, 1866, to July 14, 1870	12,832.46
Total	22,117.46
Less 5 per cent tax	1,106.87
	21,010.59
Pay—July 14, 1870, to Aug. 5, 1886	72,262.50
Total pay	93,273.09
ALLOWANCES.	
Servant hire	3,258.53
Forage	778.56
	4,037.09

STATEMENT OF ANALOGOUS CASES.

"The act of February 24, 1905 (33 Stat. L., 806), contains the following provision:

"That the proper accounting officers be, and they are hereby, directed to settle and adjust to Sarah K. McLean, widow of the late Lieut. Col. Nathaniel H. McLean, all back pay and emoluments that would have been due and payable to the said Nathaniel H. McLean as a major from July 23, 1864, to the date of his reinstatement, March 3, 1875, and that the amount due by said adjustment is hereby appropriated, to be paid out of any money in the Treasury not otherwise appropriated."

"NOTE.—This officer resigned from the service July 23, 1864, on account of having been ordered to Oregon for duty. The order sending him to Oregon was the result of his activity in unearthing frauds in the Quartermaster Department and his resignation was in the nature of a protest against the treatment which was accorded him. The full circumstances relating to the matter will be found in House Report No. 279, Forty-third Congress, second session, and Senate Report No. 126, Fifty-third Congress, second session.

"Attention is called to the case of Collins v. United States (14 C. Cls., 568; and 15 C. Cls., 22).

"In this case the officer was restored to the Army and judgment was rendered in his favor for back pay amounting to \$17,987.83.

"In the case of Kilburn v. United States (15 C. Cls., 41, 46) the court used this language:

"In all the cases referred to the parties to whom back pay has been allowed have been considered by Congress to have been illegally or unjustly or inadvertently dismissed the service. In order to remedy the wrong or repair the injustice of such dismissal, it has been considered both just and humane that its revocation should be complete, and should relate back to the day of the order of dismissal, so as to make the party entitled to full pay, as though no such order had ever been made. (Winters v. The United States, 3 C. Cls. R., 136; Smith v. United States, 2 C. Cls. R., 206.) But such arrearages of pay have in every instance been allowed only under the acts of Congress authorizing the beneficiaries under them to assume a definite rank from a past date. This doctrine is fully expounded in the case of Maj. Collins (ante, p. 22)."

Mrs. Porter now receives a pension of \$12 per month, provided by the acts of January 29, 1887, and April 19, 1908, on account of her distinguished husband's service in the Mexican War. She was married to the deceased officer March 19, 1857, and is now over 72 years of age and in very poor health.

In a sworn statement accompanying the bill she declares that her average income from railroad bonds, etc., is about \$1,700 per year.

In view of the statements set forth in the foregoing a majority of your committee recommend the passage of the bill when amended as follows: On line 8 strike out the words "one hundred" and insert in lieu thereof the word "fifty."

On line 7 strike out the words "brevet brigadier" and insert in lieu thereof the word "major," and in the same line strike out the word "Army" and insert in lieu thereof the word "Volunteers."

THE PRESIDING OFFICER. The views of the minority will now be read, as requested by the Senator from North Dakota.

The Secretary read as follows:

VIEWS OF THE MINORITY.

Mr. McCUMBER, on the part of the minority of the committee, submits the following views:

The minority of the Committee on Pensions, feeling that the claim for a special bill in this case is wholly unjustified from any standpoint, submit the following reasons for their refusal to concur with the majority of the committee in reporting this bill favorably:

COMMITTEE ON PENSIONS CREATED TO RELIEVE CASES OF DESTITUTION ONLY.

Preceding the rules which have governed the committee for many years is a note, which reads as follows:

"NOTE.—The Pension Committees of the two Houses of Congress were created to consider a very few claims in which, from their peculiar circumstances of extreme disability and destitution, adequate relief could not be obtained from the bureau. * * * Nor is it the policy of the Government to provide full support for soldiers or their widows, but solely to prevent absolute want, and it is believed, therefore, that private pension legislation should be restricted to cases of such extreme destitution as render assistance imperative."

Rule 7 provides:

"Where the widow of an officer is pensioned under the act of April 19, 1908, an increase will not be recommended in excess of the general-law rating for his rank; in cases where the circumstances suggest that a lower rate would be proper such lower rate only will be recommended."

Rule 7 also provides:

"No increase of pension to widows will be recommended above the general-law rating except in cases of destitution, to be substantiated by competent testimony; and the word 'destitution' will be held to mean the same when applied to an officer or his widow as when applied to a private or his widow; it will not be contracted or expanded to meet particular cases."

These rules are recited, first, to show the purposes of private pension legislation, and second, to show wherein the particular case in question should be governed by those rules.

In a sworn statement accompanying the bill, Mrs. Porter declares that her average income from railroad bonds, etc., is about \$1,700 per year. In addition to this she is receiving \$144 per year pension, making her total income \$1,844 per year, or over \$150 per month.

This is not a case of destitution. And if it is not a case of destitution, what is it? Favoritism, pure and simple.

If Mrs. Porter should be entitled to \$600 per year pension, in addition to her present income from other sources, then the widow of every other officer of similar rank should receive the same, and she should receive it under a general law. It is not the proper province of either the committee or Congress to single out anyone for special favor. If the general law does not grant sufficient pension to the widows of officers, then the general law should be changed and made applicable to all cases.

By granting this special favor to one who is not in need of it we are committing a rank injustice to the hundreds who are refused and who are in need of it.

MR. DU PONT. Mr. President I wish to say a few words on this matter.

The views of the minority, after citing the rules of the Pension Committee, which I have already discussed in the case of Mrs. Hawkins, states that Mrs. Porter's case is not a case of destitution but of "favoritism, pure and simple," and that if she should be entitled to \$600 per year, as provided in the bill, in addition to her present income from other sources, "then the widow of every other officer of similar rank should receive the same," and that by granting this "special favor" we are committing a "rank injustice" to others.

I take issue with these statements. Mrs. Porter's case has nothing in common with the hundreds of other cases that have come before Congress. It is unique. Nothing like it has ever occurred before and probably will never occur again. Gen. Porter belonged to the Regular Army for almost 22 years, his service including both the Mexican and Civil Wars. During the former war he was wounded in the heroic assault upon the Belen Gate of the City of Mexico, the other two officers of his battery

being killed, and 27 of the 30 enlisted men which composed it being killed or wounded. In the latter war he served with great distinction and gallantry until the autumn of 1862, when he was unjustly court-martialed and dismissed from the Army. In 1878, by direction of President Hayes, a searching reinvestigation as to the real facts in the case was made by a court of inquiry, which vindicated Gen. Porter in the most handsome manner, and reported that the judgment of the original court-martial was based upon totally erroneous impressions not only respecting what his conduct really was, but respecting all the circumstances under which he acted, and added that justice required that the findings and sentence of the original court-martial be annulled and set aside, and that he be restored to the position of which he had been deprived, such restoration to take effect from the date of his dismissal from the service. It was not until 1885 that Congress took action and restored him to his rank in the Regular Army, but under the influence of party prejudice denied him the pay or emoluments during the time that he was unjustly deprived of his commission, which amounted to a large sum of money. This latter stipulation was contrary to all precedents and in violation of every principle of equity and justice.

Mrs. Porter is over 70 years of age and has a daughter dependent upon her for support. It is submitted that the granting of the pension provided for in the bill is not by any means an act of "favoritism," but a proper recognition of the long, faithful, and distinguished service which Gen. Porter had rendered to his country in two wars. I trust that the bill for her relief may be favorably considered by the Senate, which would thus make indirectly, but in a very meager and inadequate way, some compensation for the pay and emoluments of which her husband was so unjustly deprived.

Mr. McCUMBER. Mr. President, if I remember aright, another bill which had a place on the calendar just preceding the pending measure was considered by the Senate at the last session. I refer to the bill granting an increase of pension to the widow of Gen. Hawkins. The evidence in that case showed that the claimant was in receipt, as I now remember, of an income in the neighborhood of \$1,400 per annum. It differs from this bill only in the matter of the amount. In this particular case the claimant is now in receipt of a general income amounting to \$1,844 a year, or about \$150 per month.

Mr. President, this brings clearly before the Senate the danger of passing these special bills without consideration and without any general rule that would apply to all cases. Suppose, now, that we were to pass this bill in favor of Mrs. Porter, and should grant her this extra sum of \$600 per year as is provided in this bill, giving her something over \$2,000 a year, what answer could we make to the claim of Mrs. Hawkins that she has not been justly treated? What reply could we give to hundreds of other widows who are exactly in the same position, namely, whose claims have been rejected because they did not bring their cases within the very salient rule of the committee, which indicates the very purpose for which the committee was created, or, at least, the main purpose which it is conserving to the public, and that is, to grant relief only in cases of destitution.

I confess that I know very little about the merits of the controversy which resulted in the dismissal of Gen. Porter and his reinstatement in his position; but I do know that if he was unjustly removed by court-martial, then certainly his widow ought to be entitled to present a bill to the Committee on Claims, and if there was anything due to the general that was unjustly taken from him the Committee on Claims ought to investigate that question and grant such relief as would be proper and just in that particular case.

I would be in favor of that course; but I am not in favor of trying the question whether or not the general was unjustly deprived of his salary and emoluments for a number of years in connection with an application for the benefit of Mrs. Porter which, if allowed, would take her case entirely out of the general range of cases that have been considered by the Committee on Pensions.

I have said time and again, Mr. President, that the Senate, by allowing a spirit of sympathy or of favoritism or of friendship in some particular case to govern them, will necessarily put the committee in a position that will be extremely embarrassing. I again call attention to that portion of the report which I submitted as the views of the minority as to the very object of the creation of this committee. It was created, in the first instance, Senators, for the purpose of considering general pension legislation. Its functions were increased so that it should consider special legislation for what purpose? Not for the purpose of taking up particular cases in which any Senator would desire to have a pension increased, but for the sole and only purpose that, sit-

ting as a quasi court of equity, it might do justice to those cases which could not be reached by the general law. We ought not to extend the function of that committee; we ought not to extend the power of that committee so that it will go beyond this and take up any case without reference to any rule and grant such pension as the momentary impulse of either the committee or the Senate may dictate.

As I have stated in this report, the very purpose of the committee—its operation, at least—is indicated in the little note preceding our rules, which reads:

The Pension Committees of the two Houses of Congress were created to consider a very few claims—

Those "few claims" have increased very materially—

in which, from their peculiar circumstances of extreme disability and destitution, adequate relief could not be obtained from the bureau.

I want to call attention to the fact that in every case the question of disability and destitution becomes a leading question.

Nor is it the policy of the Government to provide full support for soldiers or their widows, but solely to prevent absolute want, and it is believed, therefore, that private pension legislation should be restricted to cases of such extreme destitution as render assistance imperative.

Following out this very object, the very soul and spirit of the power which was given to the committee to consider special pension legislation, the rules further provide:

No increase of pension to widows will be recommended above the general-law rating except in cases of destitution, to be substantiated by competent testimony—

Mark this part of a proper rule—

and the word "destitution" will be held to mean the same when applied to an officer or his widow as when applied to a private or his widow; it will not be contracted or expanded to meet particular cases.

Mr. President, we are now asked to expand it enormously to meet a particular case. The income of Mrs. Porter to-day is about \$1,844 per year. It is asked by this bill to increase it \$600 more, so that it will be \$2,444 per year.

I object to this; I oppose it because it does an injustice to the hundreds of widows whose cases we have turned down in the past, and because it forces upon us a precedent that we can hardly escape in the consideration of future cases that may come before the committee.

Since I have been chairman of the Committee on Pensions my main efforts have been directed toward the preventing that committee ever being used for the purpose of favoritism. I think we have been eminently successful in that endeavor. We have an established rule that in no case will we recommend a pension above \$50 per month. The Senate itself has overruled that sort of unwritten law of the committee on two or three occasions—I think two within the last two years—where \$100 a month has been granted.

We are now brought face to face with a condition that we ought to meet, and ought to meet fairly. If, as a matter of fact, Mrs. Porter is entitled to \$50 per month without reference to the amount of her income, then there are at least 200 widows, whose husbands were of the same rank, who are entitled to the same amount. If they are entitled to that, then we ought to have the courage to stand up here and vote through a general bill, so that we will not be forced to take up one bill and grant fifty or one hundred dollars a month and then take up another bill and grant twelve or fifteen dollars per month.

Mr. DU PONT. Mr. President—

The PRESIDING OFFICER. Does the Senator from North Dakota yield to the Senator from Delaware?

Mr. McCUMBER. I yield to the Senator.

Mr. DU PONT. I should like to ask the Senator from North Dakota a question. He spoke of some 200 or 250 widows whose husbands were of the same rank as Gen. Porter. I should like to ask him if there are any of those 250 widows whose husbands were unjustly driven out of the service and lost for a long period of years the pay and emoluments to which they were entitled and were deprived of them in this way? That is what differentiates this case from the others.

Mr. McCUMBER. Mr. President, undoubtedly no two cases are alike. I again assert that if the widow of Gen. Fitz John Porter has any just claim against the Government for the deprivation of the general during his life of certain salaries that should have been received by him during that time the remedy is and ought to be by a bill which would refer that matter to the Court of Claims or the Committee on Claims. The Senate Committee on Pensions did not investigate that matter. It was not necessary for them to investigate that matter. So I simply ask the Senate to stand with that rule of the committee, which was designed to secure the doing of equal justice in respect to every claim brought before them.

Mr. GALLINGER. Mr. President, Gen. Fitz John Porter was a New Hampshire man. At the time when passions were heated

there were many people in New Hampshire who believed that Gen. Porter had not done his entire duty as an officer of the Army of the United States. That time has passed, and a monument has been erected in the city of Portsmouth to the memory of Gen. Porter.

When this matter was under discussion before the House of Representatives a Member of that House from New Hampshire, who served under Gen. Porter, made a speech that cleared up, in my mind, every thought that I ever had entertained—and I confess I had entertained some doubts—as to Gen. Porter's loyalty and as to his conduct while he represented the Government on the field of battle.

The record of this man is a remarkable record. It goes back to the War with Mexico, where he performed distinguished service and where he received a very severe wound. To my mind, in dealing with this particular case, the fact is worthy of consideration that this man, because of the unjust accusations made against him—and beyond a doubt they were unjust—was deprived of some \$80,000 that he otherwise would have received. I understand, in fact, that it is a much larger amount than that.

Mr. DU PONT. Nearly \$90,000.

Mr. GALLINGER. Nearly \$90,000, that he otherwise would have received, had not those accusations been made against him. He died in comparative poverty. During all the long years that he served the Government he had accumulated in bonds, I believe, enough to give his widow an income of \$1,700 a year. That \$1,700 a year went to support the widow and an unmarried daughter whom she is supporting at the present time.

Congress gave this widow a pension of \$12 a month, which she is now receiving. To my mind it is a most extraordinary thing that any member of the Committee on Pensions should haggle about this proposed increase to \$50 per month. I hesitate to say a word on this subject, because for a number of years I served as chairman of the Committee on Pensions, and the very rule that the Senator from North Dakota has invoked—or a portion of it, at least—was written by me. But that rule never was used to debar worthy widows whose husbands had served with great distinction as officers of the United States.

If I remember correctly—and I do not say this at all in a controversial spirit—the Senator from North Dakota has declared over and over again that he did not believe the widow of a general officer was entitled to any more pension than the widow of a private soldier. I think I am not incorrect in making that statement.

Mr. McCUMBER. The Senator can assert that as my statement on prior occasions and as my statement to-day.

Mr. GALLINGER. Of course I take issue with that, Mr. President, because I think it is a most extraordinary position for a Senator to take.

I do not know how many widows of general officers holding the rank of major general, without any reference to the great injustice that was done Gen. Fitz John Porter, are receiving less than \$50 per month, but I know that a great many of them are receiving that amount and some of them a much larger amount.

Mr. SMOOT. Mr. President—

The PRESIDING OFFICER. Does the Senator from New Hampshire yield to the Senator from Utah?

Mr. GALLINGER. Yes.

Mr. SMOOT. Has the Senator in his mind the idea that the committee has refused to recommend a pension of \$50 per month in this case?

Mr. GALLINGER. I have that in mind; yes.

Mr. SMOOT. I want to say to the Senator that the bill provides \$50 a month pension for the widow of Gen. Porter.

Mr. GALLINGER. Yes; the committee has so reported, but the chairman of the committee insists that the bill ought not to pass. That is what I am addressing myself to—the attitude of the chairman of the committee. The chairman of the committee wants this woman to remain on the pension roll at \$12 per month.

I have a little list here, to which I will refer in a moment. I remember that the Senate in its wisdom—and it was an act of wisdom, notwithstanding the Senator from North Dakota took precisely the position he does now, in opposition to it—voted \$50 a month to the widow of Admiral Schley. I voted for it. I believed it was right, notwithstanding the rule that the Senator then invoked, which he argued ought to debar her from receiving more than \$12 per month, I suppose.

We are not granting such large pensions now as we did shortly after the war, and I am glad we are not. We then voted \$2,000 a year, in one case, to the widow of an officer not more distinguished than was Gen. Fitz John Porter. I think in several instances pensions of as much as \$2,000 per year were granted—to the widows of Gen. Thomas, Gen. Logan, Gen. Blair,

and others—and a pension of \$2,500 was granted to the widow of Gen. Sheridan. In running over the list I have found a number of cases which I want to put in the RECORD, because they are illuminating. They may not have been wisdom, but they were the action of Congress.

Sallie R. Alexander, widow of Lieut. Col. Thomas L. Alexander, is getting \$50 a month. She is the widow of a lieutenant colonel.

Emily L., widow of Gen. Benjamin Alvord, is getting \$50 a month.

Eliza B., widow of Gen. Robert Anderson, was given \$50 a month, and it was afterwards increased to \$100.

Abby P., widow of Gen. Richard Arnold, is getting \$50 a month.

Juliet Opie H., widow of Col. Romeyn B. Ayers, is getting \$75 a month.

Margaret T., widow of Commander Samuel H. Baker, United States Navy, \$50 a month.

Mary A., widow of Gen. Edward D. Baker, \$50 a month.

Mrs. Mary Palmer Banks, widow of Gen. Nathaniel P. Banks, is getting \$100 a month.

Mary T., widow of Gen. Joseph K. Barnes, \$50 a month.

Elizabeth T. Beall, \$50 a month.

Fannie S., widow of Admiral John C. Beaumont, \$50 a month.

Mary A. Bedel, \$50 a month.

Margaret C., widow of Admiral Henry H. Bell, \$50 a month.

Mrs. Henry A. Benham, widow of Gen. Henry A. Benham, \$50 a month.

Eliza Berry, widow of Gen. Hiram G. Berry, \$50 a month.

Emily B., widow of Gen. Daniel D. Bidwell, \$50 a month.

Maria A., widow of Gen. David B. Birney, \$50 a month.

Sarah M. Bissell, widow of Commodore Simon B. Bissell, \$50 a month.

Sarah R., widow of Paymaster John V. B. Bleecker, \$50 a month—a paymaster in the Navy, I suppose.

Elise Blenker, \$50 a month.

Nancy Carson Blunt, \$75 a month.

Ellen M., widow of Pay Director William Benton Boggs, \$50 a month—I presume a pay director in the Navy.

Henrietta E., widow of Rear Admiral Charles S. Boggs, \$50 a month.

Celestia A., widow of Horace Boughton, \$50 a month.

Leonora A. Boyden, \$50 a month.

Jane D., widow of Capt. Thomas L. Brent, \$50 a month.

Martha C., widow of Capt. Kidder Randolph Breese, \$50—a captain, not a major general.

F. Selina Buchanan, \$50 a month.

Priscilla R. Burns, \$50 a month.

Mrs. Rochie Brien Buell, widow of Gen. George P. Buell, \$50 a month.

Hattie A., widow of Gen. Ward B. Burnett, \$50 a month.

Mr. President, I happen to have information that some of those widows have quite as much property, and in some instances I know more property, than has the widow of Gen. Fitz John Porter. The Senator from Illinois [Mr. CULLOM] reminds me that the widow of Gen. John M. Palmer is receiving \$50 a month, and I recall that fact; and the widow of Gen. McClellan, and a great many others I have not named. I have simply selected a few.

It is sometimes a good thing to break rules. The Senate broke rules when I was chairman of the Committee on Pensions, in many instances overruling me, and I did not find any fault. I wanted to keep down these special pension bills as much as possible. I think they ought to be kept down, and there ought to be great discrimination exercised. But it is a little different when we come to consider a case like this, where a man performed the remarkable services that Gen. Fitz John Porter did in two wars, and left his widow, accustomed to some of the luxuries of life, at least, with a mere pittance, because it is a pittance. Her income is less than girls are receiving as stenographers in the Capitol to-day, and half of what some young men are receiving as clerks to committees in the Capitol to-day.

I submit, Mr. President, that it is hardly worth while for the Senate to spend a great deal of time in coming to the conclusion that this bill, amended as it has been, should be passed. I should have opposed a pension of \$100 a month. But this bill, amended as it has been to \$50 a month, ought not to be opposed by any Senator, and certainly ought not to be defeated by a vote of the Senate.

Mr. McCUMBER. Mr. President, I am constrained to believe that it is always worth while for the Senate to prevent injustice being done; that it is always worth while for the Senate, as nearly as it can, to insist that equal justice shall be done to all persons.

The Senator has read the names of a large number of people who receive pensions of \$50 a month. As is well known, this system of granting private pensions is a system that has been followed for more than half a century. Immediately after the close of the war, when, it seems to me, that perhaps we were swayed more by impulse than we are to-day, but very little attention was paid to the needs of the claimants. Those pensions were voted upon the record of the officer, and upon that record alone.

I should like to ask the Senator from New Hampshire if he knows of a single case in the last quarter of a century in which a private pension bill carrying \$50 per month has been passed for the benefit of a widow who had an income of over \$150 per month?

Mr. GALLINGER. I call the Senator's attention to the bill which I hand to him.

Mr. McCUMBER. The Senator refers to the case of the widow of Admiral Schley. I do not remember now just what her income was. I stated but a short time ago that that was one of the cases in which the Senate had made an exception and had granted a pension in a case where I thought it ought not to be granted, on account of the income that was being received.

Mr. President, the Senate has that power. It has the power to make any kind of precedent it sees fit to make. If it desires by its vote that the widow of Gen. Hawkins, who has an income of \$1,400 a year, shall receive no additional pension, but that the widow of Gen. Porter, who has an income of over \$1,800 a year, shall receive a pension of \$50 a month, the Senate can do that. There will be at least one vote against that inconsistency and that injustice.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill granting an increase of pension to Harriet Pierson Porter."

DEPARTMENT OF PUBLIC HEALTH.

The bill (S. 1) to establish a bureau of health, and for other purposes, was announced as next in order.

Mr. SMOOT. Let the bill go over.

The PRESIDENT pro tempore. The bill will go over.

PONCA INDIANS OF OKLAHOMA AND NEBRASKA.

The bill (S. 5169) authorizing the Ponca Tribe of Indians to intervene in the suit of the Omaha Indians in the Court of Claims, and for other purposes, was considered by the Senate as in Committee of the Whole.

The bill had been reported from the Committee on Indian Affairs with amendments, on page 2, line 6, after the word "authorities," to insert "under contract approved by the Commissioner of Indian Affairs and the Secretary of the Interior, in accordance with the provisions of existing law"; and on line 13 to strike out "to decree the fees to be paid to the attorney employed by the Ponca Indians to represent them therein and his associates, such fees to be paid out of any funds of the tribe in the Treasury of the United States," and insert "said court shall decree the amount of the fee to be paid the attorney for the claimant Indians, such amount to be deducted from any money which may be found to be due said Indians: *Provided*, That the amount of the attorney's fee shall not be greater than that named in the approved contract," so as to make the bill read:

Be it enacted, etc., That the Ponca Tribe of Indians, residing in the States of Oklahoma and Nebraska, is hereby authorized and empowered to appear in and be made parties to any suit or suits in the Court of Claims heretofore instituted or which may hereafter be begun under and by virtue of an act of Congress approved June 22, 1910, entitled "An act of Congress authorizing the Omaha Tribe of Indians to submit claims to the Court of Claims," with full rights of appeal as therein provided for other tribes.

In such suits the Ponca Tribe may file such petitions, interventions, answers, or other pleadings as they may be advised are necessary or proper, which pleadings shall be verified by their attorney selected and employed by their tribal authorities under contract approved by the Commissioner of Indian Affairs and the Secretary of the Interior, in accordance with the provisions of existing law, to represent the tribe therein; and the Court of Claims shall have full jurisdiction, legal and equitable, in such suits to hear and determine the rights of the Ponca Indians against the United States and against any other tribe or band of Indians parties thereto; and upon final determination of any such suit said court shall decree the amount of the fee to be paid the attorney for the claimant Indians, such amount to be deducted from any money which may be found to be due said Indians: *Provided*, That the amount of the attorney's fee shall not be greater than that named in the approved contract.

The amendments were agreed to.

Mr. GALLINGER. I was about to inquire, but I see the Senator from Oklahoma [Mr. OWEN] is not in his seat, as to what the fees ordinarily are that are named in the approved contracts. But the Senator from Utah [Mr. SMOOT] suggests that

the bill is all right; and as I know very little about Indian affairs, I will not oppose it at all.

Mr. SMOOT. I will say to the Senator that I took up the question with the department, and the department approves this bill, with the amendments that have just been made.

Mr. GORE. Mr. President, my colleague is absent from the Senate at this time. Personally, I am not familiar with the bill. I have no information in regard to it. I should like to see it reasonably limited, however; but I do not know enough about the measure to propose a proper amendment, if one is necessary.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

BILLS PASSED OVER.

The bill (S. 3463) to establish a bureau of national parks, and for other purposes, was announced as next in order.

Mr. GALLINGER. Let that bill go over.

The PRESIDENT pro tempore. The Senator from New Hampshire objects, and the bill will go over.

The bill (S. 2371) to amend section 3224 of the United States Compiled Statutes so as to prevent the restraining of the assessment or collection of any tax—State, county, municipal, district, or Federal—was announced as next in order.

Mr. SMOOT. I ask that the bill go over.

The PRESIDENT pro tempore. The bill will go over.

The bill (S. 5455) to establish a system of wireless telegraphy in the Philippine Islands was announced as next in order.

Mr. GRONNA. I ask to have the bill go over.

The PRESIDENT pro tempore. The Senator from North Dakota objects, and the bill will go over.

The bill (S. 5955) for the relief of certain retired officers of the Navy and Marine Corps was announced as next in order.

The PRESIDENT pro tempore. The bill has been heretofore read as in Committee of the Whole.

Mr. CLARKE of Arkansas. Let it be read for information, Mr. President, and then I will see whether or not I wish to object to it.

The Secretary read the bill.

Mr. CLARKE of Arkansas. I object.

The PRESIDENT pro tempore. Objection being made, the bill will go over.

INDIAN ALLOTMENTS.

The bill (H. R. 1332) regulating Indian allotments disposed of by will was considered as in Committee of the Whole.

The PRESIDENT pro tempore. The bill has already been considered as in Committee of the Whole, and an amendment submitted by the Senator from Washington [Mr. JONES] was agreed to. If not so desired, the amendment will not be again stated, and the bill will be reported to the Senate.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time and passed.

BILLS, ETC., PASSED OVER.

The bill (S. 5863) for the retirement of employees in the civil service, and for other purposes, was announced as next in order.

Mr. JOHNSTON of Alabama and Mr. OLIVER. Let the bill go over.

The PRESIDENT pro tempore. The bill will go over.

The bill (S. 4654) to regulate contracts for the future delivery of cotton was announced as next in order.

Mr. LODGE. Let the bill go over.

The PRESIDENT pro tempore. It will go over.

The bill (S. 6109) for the protection and increase of State game resources was announced as next in order.

Mr. SMITH of Arizona. Let the bill go over.

The PRESIDENT pro tempore. The bill goes over under objection.

The bill (S. 5069) to promote the efficiency of the enlisted personnel of the United States Navy was announced as next in order.

Mr. CLARKE of Arkansas. I object to that bill.

The PRESIDENT pro tempore. Under objection, the bill goes over.

The bill (S. 93) to establish a botanical laboratory at Denver, Colo., was announced as next in order.

Mr. LODGE. Let that go over.

The PRESIDENT pro tempore. The bill goes over under objection.

The bill (S. 2344) to pay the balance due the loyal Creek Indians on the award made them by the Senate on February 16, 1903, was announced as next in order.

Mr. SMOOT. Let that bill go over.

The PRESIDENT pro tempore. Upon objection, the bill goes over.

The bill (S. 2845) to acquire certain land in Washington Heights for a public park to be known as McClellan Park was announced as next in order.

Mr. GRONNA. Let that go over.

The PRESIDENT pro tempore. The bill goes over under objection.

The next business on the calendar was the motion of Mr. POINDEXTER that the Senate Committee on Interstate Commerce be discharged from the further consideration of S. 3297, to abolish the Commerce Court, etc., and that said bill be placed upon the calendar, under Rule VIII, for consideration by the Senate.

Mr. GALLINGER. Let that go over.

The PRESIDENT pro tempore. The motion goes over under objection.

The bill (S. 7030) to provide for a permanent supply of coal for the use of the United States Navy and other governmental purposes; to provide for the leasing of coal lands in the Territory of Alaska, and for other purposes was announced as next in order.

Mr. SMOOT. Let the bill go over.

The PRESIDENT pro tempore. It will go over.

The bill (S. 6896) to reopen and extend certain letters patent granted to Richard B. Painton; to insert certain claims in said letters patent dated May 9, 1899, was announced as next in order.

Mr. GALLINGER. Let that go over.

The PRESIDENT pro tempore. The bill will go over.

The bill (S. 2518) to provide for raising the volunteer forces of the United States in time of actual or threatened war was announced as next in order.

Mr. McCUMBER. Let that go over.

The PRESIDENT pro tempore. The bill will go over.

The bill (S. 6172) to regulate the method of directing the work of Government employees was announced as next in order.

Mr. McCUMBER. Let that go over.

The PRESIDENT pro tempore. The bill will go over under objection.

The bill (S. 4043) to prohibit interstate commerce in intoxicating liquors in certain cases was announced as next in order.

Mr. GALLINGER. Let that go over under Rule IX.

Mr. LODGE. That is a special order.

Mr. GALLINGER. It is; but let it go under Rule IX.

Mr. KENYON. The bill is a special order, and a time has been fixed by unanimous consent for a vote upon it.

Mr. GALLINGER. It will not affect it at all if it goes under Rule IX.

The PRESIDENT pro tempore. Under the suggestion of the Senator from New Hampshire, without objection the bill will go to the calendar under Rule IX.

FREDERICK H. FERRIS.

The bill (H. R. 21524) for the relief of Frederick H. Ferris was considered as in Committee of the Whole.

The bill was reported from the Committee on Military Affairs with an amendment, on page 1, lines 9 and 10, to strike out "28th day of February, 1865," and insert "30th day of December, 1864," so as to make the bill read:

Be it enacted, etc., That in the administration of the pension laws and the laws governing the National Home for Disabled Volunteer Soldiers, or any branch thereof, Frederick H. Ferris shall hereafter be held and considered to have been honorably discharged from the military service of the United States as a second lieutenant of the Seventy-fourth Regiment United States Colored Infantry on the 30th day of December, 1864: *Provided,* That no pension shall accrue prior to the passage of this act.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

BILLS PASSED OVER.

The bill (S. 6812) to amend section 3 of an act entitled "An act to provide for the allotment of land in severalty," etc., approved February 28, 1891, was announced as next in order.

Mr. McCUMBER. Let that go over.

The PRESIDENT pro tempore. The bill will go over under objection.

The next business on the calendar was S. Res. 362, for an investigation into the expenditures of the Forest Service and the appointment of a committee for that purpose.

Mr. SMOOT. I desire to ask a question of the Senator who introduced the resolution. I notice that he is not present in the Chamber. For that reason I ask that it may go over to-day.

The PRESIDENT pro tempore. The resolution will go over under objection.

The bill (H. R. 22913) to create a department of labor was announced as next in order.

Mr. SMOOT. Let that go over to-day, Mr. President.

The PRESIDENT pro tempore. The bill will go over.

The bill (S. 223) to provide for the inspection and grading of grain entering into interstate commerce, and to secure uniformity in standards and classification of grain, and for other purposes, was announced as next in order.

Mr. CLARKE of Arkansas. Let that go over.

The PRESIDENT pro tempore. The bill will go over.

Mr. CRAWFORD. As I said this morning, this is a bill in which the producers of cereals and shippers of grain in the Northwest are very much interested. They have been pressing upon Congress for some time—

Mr. CLARKE of Arkansas. Let me say—

Mr. CRAWFORD. I was going to ask that some day certain be fixed when we might take up this bill.

Mr. CLARKE of Arkansas. I have no objection to its being taken up at any time. I was requested to interpose an objection on behalf of the senior Senator from Maryland [Mr. SMITH]. Whenever he is present I will be very glad to turn the matter over to him.

Mr. LODGE. I object to the consideration of the bill.

The PRESIDENT pro tempore. Under objection the bill goes over.

The bill (H. R. 24153) to amend and reenact section 5241 of the Revised Statutes of the United States was announced as next in order.

Mr. PENROSE. Let that go over.

The PRESIDENT pro tempore. The bill goes over under objection.

The bill (S. 3345) to amend the act of July 2, 1890, entitled "An act to protect trade and commerce against unlawful restraints and monopolies" was announced as next in order.

Mr. GALLINGER. Let that go over.

The PRESIDENT pro tempore. The bill goes over under objection.

FIRST LIEUTENANT SYDNEY SMITH.

The bill (S. 7288) to authorize the transfer of First Lieut. Sydney Smith from retired to the active list of the Army was announced as next in order.

Mr. SMOOT. If the Senator reporting that bill is present I should like to have some explanation as to the reason for it. I do not see that Senator in the Chamber. I ask that the bill may go over.

Mr. GALLINGER. That is a bill in which some friends of mine are interested. I do not rise to ask for action on it. It was reported without a written report, which is unfortunate, and I am going to move that it be recommitted to the committee. We never will pass it in its present form without a report.

The PRESIDENT pro tempore. The Senator from New Hampshire moves that the bill be recommitted to the Committee on Military Affairs.

The motion was agreed to.

BILLS, ETC., PASSED OVER.

The next business on the calendar was Senate resolution 375, proposing to discharge the Committee on the Judiciary from further consideration of the concurrent resolution (S. Con. Res. 4) instructing the Attorney General of the United States to prosecute the Standard Oil Co. and the American Tobacco Co.

Mr. CLARKE of Arkansas and Mr. GALLINGER. Let that go over.

The PRESIDENT pro tempore. The resolution goes over under objection.

The bill (H. R. 16461) to regulate judicial procedure of the courts of the United States was announced as next in order.

Mr. CATRON. Let that go over.

The PRESIDENT pro tempore. The bill goes over under objection.

The bill (H. R. 25741) amending section 3392 of the Revised Statutes of the United States, as amended by section 32 of the act of August 5, 1900, was announced as next in order.

Mr. KENYON. I ask that that bill may go over.

The PRESIDENT pro tempore. Being objected to, the bill goes over.

PROTECTION OF WATER SUPPLY IN COLORADO.

The bill (H. R. 23293) for the protection of the water supply of the city of Colorado Springs and the town of Manitou, Colo., was announced as next in order.

Mr. SMOOT. The Senator from Wyoming [Mr. CLARK] is not in the Chamber, and I understand that he desires to make a statement before the bill shall pass.

Mr. GUGGENHEIM. I have not been informed by the Senator from Wyoming that he objects to the bill. The fact is that the Senator from Wyoming is upon the Committee on Public Lands. If I remember correctly, I attended the meeting, and that Senator at that time voted in favor of this bill. I do not think, therefore, the Senator from Utah is justified in bringing up the question at this time.

Mr. SMOOT. I am justified in bringing up the question if there are a number of Senators who have stated that they wish to express their views on the bill when it comes before the Senate. While they voted to report it to the Senate many of them thought that the land ought to be given directly to the cities, rather than have a joint administration of the cities and the Government. The Senator from Colorado was at the committee meeting, and I suppose he remembers very well that that was the position of a great many Senators there.

Mr. GUGGENHEIM. My recollection is that there was one Senator who objected at the time, and he has since withdrawn his objection. I should like very much to have the bill considered. It has been on the calendar for some time. It has passed the House, and is a very meritorious and a very just bill. I feel constrained to move, notwithstanding the objection of the Senator from Utah, that the bill be taken up.

Mr. GALLINGER. The Senator can not make that motion.

Mr. SMOOT. Of course, not under the rule we are proceeding, but I am not going to object to the consideration of the bill, after listening to the statement of the Senator from Colorado, any further than to say that I believe it was a very bad practice to establish to grant certain lands in any forest reserve for the protection of a watershed unless you grant it directly to the city and allow the city or cities, as the case may be, to control it.

In this bill we provide that there shall be a joint control between the city of Manitou and the city of Colorado Springs with the Forest Service. I think myself that it is rather a bad practice.

Now, that is all I want to say in relation to the bill, and I am not going to object to the present consideration of it.

Mr. GUGGENHEIM. Mr. President, the mayor of the city of Colorado Springs was in the city and appeared before the committee in reference to this bill. It received the support of that gentleman and also of the department. There is a very exhaustive report with the bill, and from what I can see it is a very meritorious measure. I trust that it may pass.

Mr. SMOOT. The mayor of the city would be more than pleased if the lands were given outright to the city and allow them to control them and patrol them in the future. There is not any question about that. But they did not think it could be passed in the House in that shape, and therefore the bill is here giving joint control to the cities and the Department of Agriculture.

Mr. GRONNA. I should like to ask the Senator from Utah a question. Has it been the policy of the department to administer lands in this way?

Mr. SMOOT. This is the first measure I remember passing the Senate where there was joint control of a watershed between cities and the Department of Agriculture.

Mr. GRONNA. The Senator from Utah is chairman of the Committee on Public Lands. Of course, he knows what the policy of the department is in this respect. May I ask him if it is the policy of the department to give the lands outright to the cities where needed for a watershed?

Mr. SMOOT. Time and again we have passed bills here for different cities within Colorado allowing the cities to buy the land at \$1.25 an acre, but this bill provides that there shall be certain lands, I forget how many thousand acres, set aside for the purpose of the protection of watersheds at Colorado Springs and in Manitou, but it does not provide for the purchase of the lands. The lands are set apart for that purpose, and the joint control and patrol of them is to be in the future between the two cities and the Department of Agriculture.

I want to say to the Senator from Colorado, I am in sympathy with the idea and with what is to be accomplished by this bill, but to get it through Congress the mayor of Colorado Springs thinks that the bill provides now the only way of doing so at the present session of Congress.

Mr. GUGGENHEIM. This bill has passed the House of Representatives.

Mr. SMOOT. Yes; it passed the House of Representatives, but if it went into conference with any other provision they were afraid the House would not agree to it, and therefore we could not get it through at this session.

Mr. GUGGENHEIM. I should think that the Senator from Utah would permit the Senator from Colorado to take that chance.

Mr. SMOOT. I am not objecting to the consideration of the bill now. I have made my statement, and it shall pass as far as I am concerned. I was only answering the question of the Senator from North Dakota [Mr. GRONNA].

Mr. GALLINGER. If the Senator from Colorado will permit me, I observe that the department recommends the passage of the bill with an amendment which has been incorporated in the bill, and that the Interior Department says that consultation has been had with the Secretary of Agriculture, and he likewise approves of it.

Mr. GUGGENHEIM. Both the departments approve of it—the Agricultural Department and the Interior Department. As I have said, it is a very meritorious bill, and it is of a local nature.

Mr. GRONNA. May I ask the Senator from Colorado if the bill as it passed the House is, in substance, the same as the bill we now have before us?

Mr. GUGGENHEIM. This is the House bill.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Public Lands with amendments.

The first amendment was, in section 3, page 6, line 19, after the word "by," to strike out "the Secretary of Agriculture in cooperation with" and to insert "and at the expense of," and in line 21, after the word "Manitou," to insert "under the supervision of the Secretary of Agriculture," so as to make the section read:

SEC. 3. That the lands heretofore described and reserved for municipal water-supply purposes shall be administered by and at the expense of the city of Colorado Springs and the town of Manitou, under the supervision of the Secretary of Agriculture, for the purpose of storing and conserving the water supply, protecting them from pollution, and preserving the timber on said lands to more fully accomplish such purposes, and to that end said city and town shall each have the right, subject to approval by the Secretary of Agriculture, to the use of any and all parts of the lands reserved for them, respectively, for the storage and conveying of water, and the construction and maintenance thereon of reservoirs, pipes, mains, conduits, and other like improvements.

The amendment was agreed to.

The next amendment was, in section 5, page 7, line 24, after the word "heretofore," to insert "or hereafter"; in the same line, after the word "any," to insert "municipality"; and on page 8, line 1, after the word "thereof," to strike out "and now existing under and by virtue of the laws of the United States or of the State of Colorado" and to insert "or the water thereof," so as to make the section read:

SEC. 5. That this act shall be subject to all legal rights heretofore or hereafter acquired by any municipality, person, or persons in or to the above-described premises, or any part thereof, or the water thereof.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

INCOME TAX.

Mr. BROWN. Mr. President, I am pleased to inform the Senate that advices from the States of Wyoming and Delaware to-day are to the effect that the income-tax amendment has been ratified by both States. The joint resolution originated in the Senate, and I congratulate the Senate on the part it played. The joint resolution having been favored by a special message by the President of the United States, I congratulate him, and I congratulate the American people on having ratified this, the sixteenth amendment to the Constitution.

SWAMP LAND IN NEVADA.

The bill (S. 4994) to authorize the inclosure of certain lands in the State of Nevada containing dangerous quagmires was announced as next in order.

Mr. SMOOT. Let that go over.

The PRESIDENT pro tempore. The bill will go over.

HARRY S. WADE.

The bill (H. R. 15181) for the relief of Harry S. Wade was announced as the next in order.

Mr. CRAWFORD. Mr. President, I wish to say that is a very appealing case of personal injury. A laborer on the Government works out on one of the coast rivers lost his sight entirely and is almost totally deaf because of an explosion in

some dredging operations there in which there was negligence on the part of some of the employees above him.

This bill passed the House and came to the Senate and was reported to the Senate before the close of the last session in August. It was amended there by reducing the amount, and afterwards when a more complete statement of the facts was reported they appealed so strongly to the members of the committee that it was recalled after having been passed with this amendment, for the purpose of having it reconsidered so that the Senate might have an opportunity to pass it just as the House passed it.

A motion to reconsider has never in form been made, and I now move to reconsider the vote by which the amendment was adopted and the bill passed by the Senate at the last session, so that we may have it before the Senate for the purpose of passing it in the same form in which it passed the House. I make that motion.

The PRESIDENT pro tempore. What is the motion the Senator makes?

Mr. CRAWFORD. Pursuant to a notice which I gave some time ago, I move to reconsider the vote by which the Senate amended the bill H. R. 15181.

The PRESIDENT pro tempore. The Chair would suggest to the Senator that it is necessary to move to reconsider the vote by which the Senate passed the bill.

Mr. CRAWFORD. Very well; I put it, then, in that form. I want to put it in the right way, of course.

The PRESIDENT pro tempore. The question is on the motion of the Senator from South Dakota that the Senate reconsider the votes by which the bill was read the third time and passed by the Senate.

The motion to reconsider was agreed to.

The PRESIDENT pro tempore. The bill is before the Senate and the question is, the Chair presumes, upon the motion the Senator now makes.

Mr. CRAWFORD. What I desire is to abandon the amendment by which the amount was reduced from \$2,500 to \$1,500. This is a workman who, as a result of the explosion, lost his sight, both eyes absolutely, and his hearing is also practically destroyed, and the physicians so report. It comes to us through the department.

The PRESIDENT pro tempore. The question is upon the motion to reconsider the vote by which the amendment of the committee was adopted.

The motion to reconsider was agreed to.

Mr. CRAWFORD. I ask that the amendment be rejected.

The PRESIDENT pro tempore. The affirmative is always put. The question is on the amendment which was proposed by the committee.

The amendment was rejected.

Mr. CRAWFORD. Now I ask that the bill be put upon its passage as it came from the House.

The bill was ordered to a third reading, read the third time, and passed.

CONNECTICUT RIVER DAM.

The bill (S. 8033) to authorize the Connecticut River Co. to relocate and construct a dam across the Connecticut River above the village of Windsor Locks, in the State of Connecticut, was announced as next in order on the calendar.

Mr. GALLINGER. Let that go over.

The PRESIDENT pro tempore. The bill goes over on objection.

PROTECTION OF INTERSTATE SHIPMENTS.

The bill (H. R. 10450) to punish the unlawful breaking of seals of railroad cars containing interstate or foreign shipments, the unlawful entering of such cars, the stealing of freight and express packages or baggage or articles in process of transportation in interstate shipment, and the felonious asportation of such freight or express packages or baggage or articles therefrom into another district of the United States, and the felonious possession or reception of the same, was announced as next in order.

Mr. CLARKE of Arkansas. Mr. President, at the last session of the Senate when the calendar was considered I objected to this bill, not because I did not recognize the fact that it covered a subject matter which needed legislation, but because of my scruples against leaving to the Federal Government any more doubtful authority. In respect to the constitutionality of this bill it falls within the so-called twilight zone, which is gradually disappearing by surrender to the National Government in response to a demand for effective remedies for developed evils with which the State authorities seem wholly incompetent to deal.

It is said to be a fact by those whose investigations have covered the subject somewhat comprehensively that the break-

ing into interstate cars has become an evil of such magnitude that the State authorities are either unwilling or unable to deal with it, and that some remedy ought to be extended against a gang, band, or association of persons in existence who depredate upon property of that character. My whole trend of thought is in the direction of an effective Government. I am in favor of a Government that will govern, and I am in favor of an effective remedy wherever there is a developed evil that can not be successfully coped with. My scruples therefore are somewhat elastic, and in this particular case I am disposed to yield to the evident justice of the case and permit this bill to pass, and I intend to vote for it.

The Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on the Judiciary with amendments.

The amendments were, on page 3, line 13, after the word "judgment," to strike out "or" and insert "of," and, in line 14, after the word "conviction," to insert "or acquittal on the merits," so as to make the bill read:

Be it enacted, etc., That whoever shall unlawfully break the seal of any railroad car containing interstate or foreign shipments of freight or express, or shall enter any such car with intent, in either case, to commit larceny therein; or whoever shall steal or unlawfully take, carry away, or conceal, or by fraud or deception obtain from any railroad car, station house, platform, depot, steamboat, vessel, or wharf, with intent to convert to his own use any goods or chattels moving as, or which are a part of or which constitute, an interstate or foreign shipment of freight or express, or shall buy, or receive, or have in his possession any such goods or chattels, knowing the same to have been stolen; or whoever shall steal or shall unlawfully take, carry away, or by fraud or deception obtain, with intent to convert to his own use, any baggage which shall have come into the possession of any common carrier for transportation from one State or Territory or the District of Columbia to another State or Territory or the District of Columbia, or to a foreign country, or from a foreign country to any State or Territory or the District of Columbia, or shall break into, steal, take, carry away, or conceal any of the contents of such baggage, or shall buy, receive, or have in his possession any such baggage or any article therefrom of whatsoever nature, knowing the same to have been stolen, shall in each case be fined not more than \$5,000 or imprisoned not more than 10 years, or both, and prosecutions therefor may be instituted in any district wherein the crime shall have been committed. The carrying or transporting of any such freight, express, baggage, goods, or chattels from one State or Territory or the District of Columbia into another State or Territory or the District of Columbia, knowing the same to have been stolen, shall constitute a separate offense and subject the offender to the penalties above described for unlawful taking, and prosecutions therefor may be instituted in any district into which such freight, express, baggage, goods, or chattels shall have been removed or into which they shall have been brought by such offender.

Sec. 2. That nothing in this act shall be held to take away or impair the jurisdiction of the courts of the several States under the laws thereof; and a judgment of conviction or acquittal on the merits under the laws of any State shall be a bar to any prosecution hereunder for the same act or acts.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

LANDS IN MONTANA.

The bill (S. 3130) to authorize the Secretary of the Interior to permit the Conrad-Stanford Co. to use certain lands was announced as next in order.

Mr. CLARK of Wyoming. I think that bill may, perhaps, give rise to some discussion. I object to its consideration.

The PRESIDENT pro tempore. The bill goes over under objection.

Mr. MYERS. I realize that Senators are probably not prepared to-day to discuss the bill, but if it does not meet with any objection I should like to have the bill set down for consideration on some certain day in the future.

Mr. CLARK of Wyoming. I do not know that I would object to that, but I am pretty sure that the discussion will take a very wide range.

Mr. MYERS. That is my object in asking to have the bill set down for consideration on some certain day, so that those who wish to express their views may have time to do so, which they probably would not have to-day.

Mr. CLARK of Wyoming. It occurs to me, Mr. President, that unanimous consent, perhaps, could not well be given while the Senate is so thin as it is at present.

Mr. MYERS. I must say I do not hear what the Senator says.

Mr. CLARK of Wyoming. I think I shall object.

The PRESIDENT pro tempore. The Senator from Wyoming objects.

CIGARS FURNISHED EMPLOYEES BY MANUFACTURERS.

Mr. BRYAN. When Calendar No. 949, being House bill 25741, was called, I understood the Chair to say that objection was made, but I am informed that the Senator from Iowa [Mr. KENYON] did not object to that calendar number, so I make the request that it be again called.

Mr. KENYON. My objection was intended to apply to Order of Business No. 942 and not to Order of Business No. 949.

The PRESIDENT pro tempore. Objection having been made inadvertently, the Secretary will again state Order of Business No. 949.

The SECRETARY. A bill (H. R. 25741) amending section 3392 of the Revised Statutes of the United States, as amended by section 32 of the act of August 5, 1909.

Mr. ROOT. I think that bill had better go over, Mr. President.

The PRESIDENT pro tempore. The bill goes over, under objection.

Mr. LODGE. Mr. President, I should like to make an appeal to have that objection withdrawn. All that the great mass of this bill does is to merely reenact existing law. The only thing it does is to permit the continuance of a custom which is as old as the trade. The workmen are allowed to have one or two cigars that are spoiled, that are not perfectly rolled. They are known as "smokers." This is to permit the workmen to have those cigars without tax. The law has been recently interpreted that those "smokers" should be taxed, and this is to exempt them from taxation. I believe it is a thoroughly just bill. The committee considered it very carefully and I hope it may be allowed to go through.

Mr. PENROSE. I wish to add, Mr. President, to what the Senator from Massachusetts has said, that such cigars are taken for the consumption of the workmen; they are not sold.

Mr. LODGE. That is entirely right. They are not taken for sale; they are taken only for the consumption of the workmen.

Mr. PENROSE. It seems to me to be a good standard for a cigar when the maker smokes it and can stand it. [Laughter.]

The PRESIDENT pro tempore. Is there objection to the present consideration of the bill?

Mr. ROOT. I withdraw my objection.

The PRESIDENT pro tempore. The objection is withdrawn.

The Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to amend section 3392 of the Revised Statutes of the United States, as amended by section 32 of the act of August 5, 1909, to read as follows:

Sec. 3392. All cigars weighing more than 3 pounds per thousand shall be packed in boxes not before used for that purpose containing, respectively, 5, 10, 12, 13, 25, 50, 100, 200, 250, or 500 cigars each; and every person who sells, or offers for sale, or delivers, or offers to deliver, any cigars in any other form than in new boxes as above described, or who packs in any box any cigars in excess of or less than the number provided by law to be put in each box, respectively, or who falsely brands any box, or affixes a stamp on any box denoting a less amount of tax than that required by law, shall be fined for each offense not more than \$1,000, and be imprisoned not more than two years: *Provided*, That nothing in this section shall be construed as preventing the sale of cigars at retail by retail dealers from boxes packed, stamped, and branded in the manner prescribed by law: *Provided further*, That each employee of a manufacturer of cigars shall be permitted to use, for personal consumption and for experimental purposes, not to exceed 21 cigars per week without the manufacturer of cigars being required to pack the same in boxes or to stamp or pay any internal-revenue tax thereon, such exemption to be allowed under such rules and regulations as the Secretary of the Treasury may prescribe: *And provided further*, That every manufacturer of cigarettes shall put up all the cigarettes that he manufactures or has manufactured for him and sells or removes for consumption or use in packages or parcels containing 5, 8, 10, 15, 20, 50, or 100 cigarettes each, and shall securely affix to each of said packages or parcels a suitable stamp denoting the tax thereon, and shall properly cancel the same prior to such sale or removal for consumption or use, under such regulations as the Commissioner of Internal Revenue shall prescribe; and all cigarettes imported from a foreign country shall be packed, stamped, and the stamps canceled in like manner, in addition to the import stamp indicating inspection of the customhouse before they are withdrawn therefrom.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

LEGAL REPRESENTATIVES OF SAMUEL SCHIFFER.

The bill (H. R. 8861) for the relief of the legal representatives of Samuel Schiffer was considered as in Committee of the Whole.

The bill had been reported from the Committee on Claims with an amendment to strike out all after the enacting clause and to insert:

That the claim of the legal representatives of Samuel Schiffer, growing out of the purchase by the late firm of J. Schiffer & Co., of New York, of certain lots of cotton registered as turned over to or seized by the United States authorities at Savannah, Ga., about January, February, and March, 1865, in the names of Kesiah Hall, M. Rich, Mrs. John (Catherine) Ruckert, A. Fawcett, Mary Haley, John Elkan, A. B. Wessolowsky, Lewis Levi, Raphael Cohen, Simon (or Solomon) Cotner, L. Hohenstein, S. W. Silverhill, Mrs. H. M. Kenney, and Mrs. Henry (Hannah) Fowler, be, and the same is hereby, referred with all accompanying papers to the Court of Claims, and jurisdiction is hereby conferred on said court to hear and determine the same, and to enter judgment for any amount found to be due as the net proceeds of the sale of said cotton or any part thereof. Said court is hereby authorized to consider said claim under the provision of section 162 of the act of March 3, 1911 (36 Stats., 1135, the Judicial Code), and to adjudge said claim, the act of July 2, 1864 (13 Stat. L., 376), and all other nonintercourse laws to the contrary notwithstanding.

Mr. SMOOT. Mr. President, I should like to ask the Senator who reported the bill if the amendment simply allows the claim to be referred to the Court of Claims, or does it give the Court of Claims any authority whatever to enter a judgment, to be paid by the Government without an act of Congress?

Mr. OLIVER. It does, Mr. President. It allows the Court of Claims to pass upon the merits of the claims, to make an award, and to enter judgment against the Government, to be paid without further action of Congress.

Mr. CRAWFORD. Does it allow an appeal to the Supreme Court?

Mr. OLIVER. Of course, at least it does not prevent it, and I assume that an appeal would lie in any event.

Mr. CRAWFORD. I presume it would.

Mr. OLIVER. If not, the bill can be so amended as to provide that an appeal will lie to the Supreme Court.

Mr. President, I may say that the bill as passed by the other House provided for the payment of \$62,158.34; but when the bill was referred to me by the Committee on Claims, upon examination of the matter, while I was thoroughly satisfied of the justice of the claim, it seemed to me there were certain facts in connection with some of the claims, but only a small part of the claims, that ought to be inquired into by a court. I therefore reported to the committee that instead of providing for the direct payment of the claim it should be referred to the Court of Claims for consideration.

I will state that this claim has been before four different Congresses, has passed the Senate once or twice, and has passed the other House in the present Congress, and it now rests with us. The money has actually been in the Treasury of the Government ever since 1865, and the claim ought to be paid. It is a just claim; but in order to be absolutely certain about it, I thought it was better to refer the matter to the Court of Claims than for Congress to take the responsibility of withdrawing the money directly from the Treasury.

Mr. GALLINGER. Did I understand the Senator to say that the House bill provides for direct payment of the claim?

Mr. OLIVER. The House bill provides for direct payment of the claim without qualification. My amendment substitutes for that a provision for reference to the Court of Claims.

Mr. SMOOT. I should like to ask the Senator if the claim has ever been before the Court of Claims?

Mr. OLIVER. A part of this claim was before the Court of Claims and judgment awarded. It was appealed to the Supreme Court of the United States solely upon the question of the nonintercourse law which prevailed at that time, and it was reversed by the Supreme Court.

This cotton, Mr. President, was purchased somewhat under color of the authority of President Lincoln himself. The more I investigated the claim the better I became satisfied of its justice, except perhaps as to certain items of it. It may be that, upon inquiry by the Court of Claims, some of the items will be thrown out and the award will be for not so great a sum as is provided by the House bill. That is the only doubt that I have upon the subject.

Mr. SMOOT. I was going to say, Mr. President, that if the claim has already been before the Court of Claims and judgment has been awarded there, if sent back to the Court of Claims, perhaps the same judgment will be rendered. It seems to me that as the amendment is framed it would preclude the Government from appealing to the Supreme Court of the United States, for it reads:

And the same is hereby referred with all accompanying papers to the Court of Claims, and jurisdiction is hereby conferred on said court to hear and determine the same, and to enter judgment for any amount found to be due as the net proceeds of the sale of said cotton or any part thereof.

Mr. OLIVER. I would suggest that at the end of that clause there be inserted an additional amendment providing for an appeal to the Supreme Court of the United States. There is no objection to that.

Mr. SMOOT. If that be put in so that there will be no doubt as to right of appeal, I will not object to the consideration of the bill.

Mr. OLIVER. Then, Mr. President, I move that the committee amendment be amended by inserting after the word "thereof," in line 15, on page 2, the words:

The said judgment to be subject to an appeal to the Supreme Court of the United States.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

MOTOR BOAT FOR CUSTOMS SERVICE.

The bill (H. R. 23549) to provide for the construction or purchase of motor boat for customs service was considered as in Committee of the Whole. It directs the Secretary of the Treasury to construct or purchase one gasoline motor boat for service in the customs collection district of Corpus Christi, Tex., at a cost not to exceed \$6,000, but the Secretary of the Treasury may use the boat elsewhere than at Corpus Christi, as the exigencies of the service may require.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

GEORGE L. THOMAS.

The bill (S. 7488) for the relief of George L. Thomas was considered as in Committee of the Whole. It directs the Postmaster General to credit to the accounts of George L. Thomas, postmaster at New Bethlehem, Pa., \$5,711.93, and to certify the said credit to the Auditor for the Post Office Department, that being the amount of money-order funds embezzled by Ella E. Latimer, an employee in the post office, without fault or negligence on the part of George L. Thomas, and appropriates \$5,711.93 for the payment of the claim.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

LANDS IN AID OF PUBLIC SCHOOLS.

The bill (S. 6507) to further assure title to lands granted the several States, in place, in aid of public schools was considered as in Committee of the Whole. It provides that where a grant of lands in place has heretofore been made or may hereafter be made to any State in aid of public schools the governor of any such State may cause to be listed with the Secretary of the Interior any sections or parts of sections so granted, and it shall be the duty of the Secretary of the Interior to examine such lists, and if the lands are found to be of the character so granted and free from valid adverse claim, initiated prior to the survey of the township in which they are situated, to certify them to the State entitled thereto in further assurance of title; but no such list shall be certified until the State shall have published, for a period of 30 days in a newspaper of general circulation in the vicinity of the land, a notice of the filing thereof, and as to lands hereafter surveyed such publication shall not be made until after the expiration of three months from the filing of the township plat of survey in the district land office. Nothing herein contained shall be construed to postpone the time of the attachment of the grant of such lands under existing law.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

On motion of Mr. LODGE the title was amended so as to read: "A bill further to assure title to lands granted the several States, in place, in aid of public schools."

CORVALLIS AND YAQUINA BAY MILITARY WAGON ROAD.

The bill (H. R. 8151) providing for the adjustment of the grant of lands in aid of the construction of the Corvallis and Yaquina Bay military wagon road, and of conflicting claims to lands within the limits of said grant, was announced as next in order.

Mr. BURTON. Let that bill go over.

The PRESIDENT pro tempore. The bill will be passed over on the objection of the Senator from Ohio.

Mr. CHAMBERLAIN. Mr. President, I trust the Senator will withdraw the objection. There is no adverse report on the bill, and it is merely a local measure.

Mr. BURTON. My objection was based on the portion of the report made by the Secretary of the Interior on the bill, in which he says:

In conclusion the department must report adversely upon a bill which would permit selection of more than 9,000 acres, and suggests that if legislation is to be had relative to the adjustment of this grant any further measure of relief extended should not permit of selection in excess of 1,848.84 acres, and such selections should be restricted to the unreserved, unoccupied, nonmineral, surveyed public lands of the United States in the State of Oregon subject to homestead entry.

Mr. CHAMBERLAIN. Mr. President, if the Senator will look at the bill further he will find that it has been amended to conform exactly to the report of the Secretary of the Interior. There is no question about it.

Mr. SMOOT. If the Senator will allow me a moment, the first section of the bill provides:

That the Secretary of the Interior be, and he is hereby, authorized and directed to cause patents to be issued conveying to the administrator of the estate of T. Egerton Hogg 1,848.84 acres.

That is the number of acres, as the Senator from Ohio will notice, which the Secretary says should be allowed to be selected.

Mr. BURTON. Do the Senator from Oregon and the Senator from Utah state that this bill is now in the form approved by the Secretary of the Interior?

Mr. SMOOT. It is.

Mr. CHAMBERLAIN. Yes. If it is not, I will be very glad to withdraw my approval of it at any time.

Mr. BURTON. Then, I will make no further objection.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MISSISSIPPI RIVER BRIDGES AT MINNEAPOLIS, MINN.

The bill (S. 8248) to extend the time for constructing a bridge across the Mississippi River at Minneapolis, Minn., was considered as in Committee of the Whole. It proposes to extend the time for commencing and completing the construction of the bridge authorized by the act of Congress approved January 27, 1912, to be built across the Mississippi River, from the intersection of Nineteenth Avenue south and Bluff Street to the intersection of Tenth and University Avenues southeast, in the city of Minneapolis, Minn., to one year and three years, respectively.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

Mr. LODGE. Mr. President, I suggest that the next three bills are precisely the same as the bill just passed, providing for extending the time for the construction of bridges at Minneapolis at different points, and I ask unanimous consent that all three bills may be read the third time and passed. As I have said, they are exactly the same, except as to the location of the bridges.

Mr. GALLINGER. I will have to object to that, Mr. President. Let the bills be taken up in order.

The PRESIDENT pro tempore. The bills will have to be considered in their order.

The bill (S. 8249) to extend the time for constructing a bridge across the Mississippi River at Minneapolis, Minn., was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

The bill (S. 8251) to extend the time for constructing a bridge across the Mississippi River at Minneapolis, Minn., was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

The bill (S. 8250) to extend the time for constructing a bridge across the Mississippi River at Minneapolis, Minn., was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

ROCK RIVER BRIDGE AT COLONA FERRY, ILL.

The bill (H. R. 27157) granting an extension of time to construct a bridge across Rock River at or near Colona Ferry, in the State of Illinois, was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

NATIONAL HOME FOR DISABLED VOLUNTEER SOLDIERS.

The joint resolution (H. J. Res. 226) for the appointment of three members of the Board of Managers of the National Home for Disabled Volunteer Soldiers was announced as next in order.

Mr. CLARKE of Arkansas. I understand the senior Senator from Missouri [Mr. STONE] desires to be present when that joint resolution is considered. For that reason I object to its present consideration.

The PRESIDENT pro tempore. The joint resolution will go over under objection.

CHARLES S. JACKSON.

The bill (H. R. 20385) to reimburse Charles S. Jackson was considered as in Committee of the Whole. It proposes to appropriate \$82 to reimburse Charles S. Jackson, late Lieutenant, Eleventh Regiment United States Cavalry, for the amount paid by him by deduction from his pay as Lieutenant for hire of a mount, equipments, and forage under the order of the chief quartermaster at Atlanta, Ga., dated the 5th of April, 1910,

which mount and equipments were used by him in connection with progressive military-map work in the Department of the Gulf, to which he had been detailed by proper authority.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

PUBLIC PARK IN THE DISTRICT OF COLUMBIA.

The bill (S. 7772) to authorize the condemnation of land for a park at the intersection of Twenty-sixth Street, Twenty-seventh Street, and Q Street NW., and a highway from said park along the boundary of Oak Hill Cemetery and across the north part of square 1284 to Twenty-ninth and R Streets was considered as in Committee of the Whole.

The bill was reported from the Committee on Public Buildings and Grounds with an amendment, in section 2, page 2, line 15, after the word "damages," to strike out:

Provided, however, That of the amount found to be due and awarded by the jury in said condemnation proceeding as damages for and in respect of the land to be taken in said condemnation proceeding herein authorized, plus the costs and expenses of the proceeding, not less than one-half thereof shall be assessed by the jury as benefits against those lots, pieces, or parcels of land situate, lying, or being within an assessment area hereby created, which assessment area shall embrace all of the area lying within the distance of 1 mile from any point of said park and connecting highway: *Provided further,* That all land owned by the United States or the District of Columbia lying within said assessment area shall be exempt from assessment; which benefits, when collected, shall be covered into the Treasury of the United States to the credit of the revenues of the District of Columbia and the United States in equal parts.

So as to make the section read:

SEC. 2. That there is hereby appropriated, one-half from the revenues of the District of Columbia and one-half from any money in the United States Treasury not otherwise appropriated, an amount sufficient to pay the necessary costs and expenses of said condemnation proceeding taken pursuant hereto and for the payment of amounts awarded as damages.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

MISSISSIPPI RIVER RAILWAY BRIDGE.

The bill (S. 8182) granting to the Inter City Bridge Co., its successors and assigns, the right to construct, acquire, maintain, and operate a railway bridge across the Mississippi River was announced as next in order.

Mr. CUMMINS. Mr. President, that is the bill which was called up this morning by the Senator from Illinois [Mr. Cullom]. An understanding was reached that the bill was not to be considered until we have an opportunity to examine it. Therefore I ask that it go over.

The PRESIDENT pro tempore. The bill will go over under objection.

RESTRAINT OF TRADE.

The bill (H. R. 25002) to amend sections 73 and 76 of the act of August 27, 1894, was announced as next in order.

Mr. SMITH of Maryland. I ask that that bill go over.

The PRESIDENT pro tempore. The bill will be passed over under objection.

Mr. CUMMINS subsequently said: Mr. President, while the Senator from Maryland [Mr. Smith] is here, I desire to give notice that I shall call up for consideration to-morrow morning, after the routine morning business, House bill 25002, being Order of Business 1021. It is a very important measure, and it is thought by those who have proposed it and those who have considered it to be so important that it should be promptly considered. I desired to make that statement before the Senator from Maryland left the Chamber.

Mr. SMITH of Maryland. I will say to the Senator that I do not know that I shall offer any objection whatever to the bill. My object in asking to have it go over was, inasmuch as I had received some letters from constituents calling my attention to it, that I wanted to make some inquiry in regard to the measure.

Mr. CUMMINS. I do not want to call it up before the Senator from Maryland has had full opportunity to examine it; but there is a real and immediate demand for the legislation. I hope the Senator from Maryland will be able to examine it by to-morrow morning.

Mr. SMITH of Maryland. I merely desire to make some inquiry about it. I do not know that I shall object to it at all, and I do not know just whether the inquiries that I have will have any effect at all upon my mind. I merely wanted to ascertain about some features of it.

PENSIONS AND INCREASE OF PENSIONS.

The bill (S. 8274) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors was

considered as in Committee of the Whole. It proposes to pension the following named persons at the rates per month stated:

William Q. Mahan, late of Company G, Thirty-third Regiment Illinois Volunteer Infantry, \$50 per month in lieu of that he is now receiving.

Elmer Howe, late of Company L, Twenty-second Regiment New York Volunteer Cavalry, \$24 per month in lieu of that he is now receiving.

Annie George, widow of Philip George, alias Archie Thompson, late of Company G, Thirteenth Regiment Wisconsin Volunteer Infantry, \$20 per month in lieu of that she is now receiving.

Flavius J. Jordan, late of Company L, Thirteenth Regiment Missouri Volunteer Cavalry, \$30 per month in lieu of that he is now receiving.

Ellen E. Payne, widow of Charles W. Payne, jr., late of Company C, Sixth Regiment Connecticut Volunteer Infantry, \$20 per month in lieu of that she is now receiving.

Sarah A. Perkins, widow of George A. Perkins, late of Company A, One hundred and eleventh Regiment New York Volunteer Infantry, \$12 per month.

John Murphy, late of Company C, First Regiment New Hampshire Volunteer Cavalry, \$40 per month in lieu of that he is now receiving.

John M. Guthrie, late of Company B, Twenty-fourth Regiment Iowa Volunteer Infantry, \$24 per month in lieu of that he is now receiving.

Fannie L. Graham, widow of John L. Graham, late of Company B, Sixth Regiment Connecticut Volunteer Infantry, \$12 per month.

Reuben Bronson, late of Company E, Forty-eighth Regiment Indiana Volunteer Infantry, \$30 per month in lieu of that he is now receiving.

Mary E. Briggs, widow of Benajor A. Briggs, late of Company D, Thirtieth Regiment Wisconsin Volunteer Infantry, \$20 per month in lieu of that she is now receiving.

Susannah Elmore, former widow of James B. Long, late of Company G, Ninety-ninth Regiment Indiana Volunteer Infantry, \$12 per month.

John Dodgion, late of Company F, Fifth Regiment Provisional Enrolled Missouri Militia, \$24 per month in lieu of that he is now receiving.

Wiley C. Hunter, late of Company A, Second Regiment North Carolina Volunteer Mounted Infantry, \$24 per month in lieu of that he is now receiving.

James A. Swaney, late of Company D, Fortieth Regiment Missouri Volunteer Infantry, \$30 per month in lieu of that he is now receiving.

Aldano Neal, late of Capt. Chandler's company, National Guards, New Hampshire Militia, \$20 per month in lieu of that he is now receiving.

Samuel Elliott, late of Company A, Seventh Regiment Pennsylvania Reserves Volunteer Infantry, \$30 per month in lieu of that he is now receiving.

William Cook, late of Company A, Ninety-fifth Regiment Pennsylvania Volunteer Infantry, \$24 per month in lieu of that he is now receiving.

Henry E. Hayes, late second lieutenant Company I, Tenth, Regiment New York Volunteer Cavalry, \$30 per month in lieu of that he is now receiving.

Samuel M. Skelton, late of Company F, Ninety-first Regiment Ohio Volunteer Infantry, \$30 per month in lieu of that he is now receiving.

Elijah H. Spencer, late of Companies B and H, Twenty-first Regiment Missouri Volunteer Infantry, \$30 per month in lieu of that he is now receiving.

James H. Cowan, late of Company K, Fifteenth Regiment Missouri Volunteer Cavalry, \$30 per month in lieu of that he is now receiving.

William H. Chapman, late of Company B, Fourth Regiment West Virginia Volunteer Infantry, \$30 per month in lieu of that he is now receiving.

Warner P. Price, late of Company A, Fifteenth Regiment West Virginia Volunteer Infantry, \$36 per month in lieu of that he is now receiving.

Jacob Bowser, late of Company C, Fourth Regiment Ohio Volunteer Cavalry, \$30 per month in lieu of that he is now receiving.

Henry Basemann, late of Company E, Twelfth Regiment Kansas Volunteer Infantry, \$30 per month in lieu of that he is now receiving.

Elmer Joseph, late of Company G, Fifty-third Regiment Pennsylvania Volunteer Infantry, \$30 per month in lieu of that he is now receiving.

Lorenzo Birch, late of Company D, Eighty-seventh Regiment Indiana Volunteer Infantry, \$30 per month in lieu of that he is now receiving.

Daniel Van Syckel, late of Company I, Forty-seventh Regiment Pennsylvania Volunteer Infantry, \$30 per month in lieu of that he is now receiving.

Frederick H. Williams, late of Company I, Thirty-first Regiment Wisconsin Volunteer Infantry, and Company E, Eighteenth Regiment United States Infantry, \$30 per month in lieu of that he is now receiving.

Titus Rexroad, now known as Titus S. Rector, late of Company A, One hundred and twenty-fifth Regiment United States Colored Volunteer Infantry, \$24 per month in lieu of that he is now receiving.

Martha A. Johnson, widow of Albert H. Johnson, late of Company H, First Battalion, Fourteenth Regiment United States Infantry, \$20 per month in lieu of that she is now receiving.

John Moulton, late of Company K, Third Regiment Vermont Volunteer Infantry, \$40 per month in lieu of that he is now receiving.

James B. Davis, late quartermaster sergeant Sixth Regiment West Virginia Volunteer Infantry, \$30 per month in lieu of that he is now receiving.

Sarah F. Elwell, widow of William H. Elwell, late acting ensign, United States Navy, \$20 per month in lieu of that she is now receiving.

Lyman B. Gillett, late of Company K, Twenty-third Regiment Illinois Volunteer Infantry, \$24 per month in lieu of that he is now receiving.

Sarah J. Wilson, former widow of Reason H. Wilson, late of Company G, Fourteenth Regiment West Virginia Volunteer Infantry, \$12 per month.

Oliver Jones, late of Company G, Eighth Regiment Minnesota Volunteer Infantry, \$50 per month in lieu of that he is now receiving.

Abel Grovenor, late captain Company C, Hatch's Independent Battalion Minnesota Volunteer Cavalry, \$50 per month in lieu of that he is now receiving.

Henry Harris, late of Company D, First Regiment West Virginia Volunteer Infantry, \$30 per month in lieu of that he is now receiving.

Byron M. Standish, late of Company K, One hundred and forty-fifth Regiment Ohio National Guard Infantry, \$30 per month in lieu of that he is now receiving.

Jane Starrett, widow of William P. Starrett, late of Company F, One hundred and fifty-first Regiment Pennsylvania Volunteer Infantry, \$12 per month.

William H. Warren, late of Company C, Seventeenth Regiment Connecticut Volunteer Infantry, \$30 per month in lieu of that he is now receiving.

George W. Sills, late of Company E, Second Regiment Potomac Home Brigade, Maryland Volunteer Infantry, \$30 per month in lieu of that he is now receiving.

James R. C. Fink, late of Company M, Second Regiment Pennsylvania Volunteer Cavalry, \$36 per month in lieu of that he is now receiving.

Arthur F. McNally, late of Company K, Twelfth Regiment West Virginia Volunteer Infantry, \$30 per month in lieu of that he is now receiving.

Walter Niles, late of Company A, Twenty-fourth Regiment Michigan Volunteer Infantry, \$30 per month in lieu of that he is now receiving.

Amos R. Sutton, late of Company K, Twenty-sixth Regiment Illinois Volunteer Infantry, \$24 per month in lieu of that he is now receiving.

John H. Howlett, late of Capt. Degge's Company A, Fifth Battalion District of Columbia Militia Infantry, \$12 per month.

George W. Youngs, late of Company D, Sixth Regiment Connecticut Volunteer Infantry, \$50 per month in lieu of that he is now receiving.

Frankie E. Bedell, widow of Byron C. Bedell, late of Company L, Seventh Regiment Michigan Volunteer Cavalry, and Company C, Third Regiment Veteran Reserve Corps, \$20 per month in lieu of that she is now receiving.

Joseph Cole, late of Company F, Thirty-fourth Regiment Indiana Volunteer Infantry, \$30 per month in lieu of that he is now receiving.

Jonas Skinner, late of Company E, Eighty-second Regiment Indiana Volunteer Infantry, \$30 per month in lieu of that he is now receiving.

William Monks, late captain Company K, Sixteenth Regiment Missouri Volunteer Cavalry, \$50 per month in lieu of that he is now receiving.

Inger A. Steensrud, widow of Anthon A. Steensrud, alias Anthony Olson, late of Company B, Sixth Regiment Wisconsin Volunteer Infantry, and Company B, Twenty-first Regiment Veteran Reserve Corps, \$20 per month in lieu of that she is now receiving.

Renhard Habig, late of Battery H, First Regiment West Virginia Volunteer Light Artillery, \$24 per month in lieu of that he is now receiving.

Marion O. Brown, late of Company C, Second Regiment Colorado Volunteer Cavalry, \$30 per month in lieu of that he is now receiving.

John E. Watkins, late of Company G, Third Regiment Wisconsin Volunteer Cavalry, \$30 per month in lieu of that he is now receiving.

Samuel Green, late of Company H, Fifth Regiment United States Colored Volunteer Infantry, \$30 per month in lieu of that he is now receiving.

George H. Batchelder, late of Company D, Fourth Regiment Iowa Volunteer Cavalry, \$30 per month in lieu of that he is now receiving.

George H. Torrence, late of Company B, Two hundred and sixth Regiment Pennsylvania Volunteer Infantry, \$24 per month in lieu of that he is now receiving.

Levi H. Hahn, late of Company I, Forty-fifth Regiment Pennsylvania Volunteer Infantry, \$24 per month in lieu of that he is now receiving.

Joseph Johnson, late of Company B, Eleventh Regiment Connecticut Volunteer Infantry, \$30 per month in lieu of that he is now receiving.

Arbell Skaggs, widow of John C. Skaggs, late of Company E, Thirty-seventh Regiment Kentucky Volunteer Infantry, \$12 per month.

Clara H. Scott, widow of David E. Scott, late of Company D, Twenty-third Regiment Ohio Volunteer Infantry, \$12 per month.

Charles W. Ash, late of Company C, Thirty-third Regiment, and Company I, Twenty-sixth Regiment, Kentucky Volunteer Infantry, \$30 per month in lieu of that he is now receiving.

William H. Clouser, late of Company I, Eighty-fourth Regiment Pennsylvania Volunteer Infantry, \$30 per month in lieu of that he is now receiving.

Thomas S. Underwood, late of Battery E, Third Regiment United States Artillery, \$24 per month in lieu of that he is now receiving.

Charlotte Lewis McMahon, widow of Michael McMahon, late of Company I, Eighth Regiment New York Volunteer Heavy Artillery, and former widow of Merritt Lewis, late of Company K, Seventh Regiment Michigan Volunteer Cavalry, \$12 per month.

George W. Thompson, late of Company D, Thirty-seventh Regiment Kentucky Volunteer Infantry, \$30 per month in lieu of that he is now receiving.

Frederick D. Skinner, late musician, band, Fifth Regiment New York Volunteer Infantry, \$12 per month.

Catherine Benson, widow of Andrew J. Benson, late of Battery B, First Regiment Michigan Volunteer Light Artillery, \$20 per month in lieu of that she is now receiving.

William Putnam, late chaplain One hundred and sixtieth Regiment New York Volunteer Infantry, \$30 per month in lieu of that he is now receiving.

Ezekiel R. Thomas, late of Company D, Nineteenth Regiment Maine Volunteer Infantry, \$40 per month in lieu of that he is now receiving.

Lucius E. Fletcher, late of Company H, Fourth Regiment Wisconsin Volunteer Cavalry, \$30 per month in lieu of that he is now receiving.

Samuel E. Merriam, late of Company A, Tenth Regiment Vermont Volunteer Infantry, and Battery E, First Regiment United States Artillery, \$24 per month in lieu of that he is now receiving.

William J. Heal, late of Company H, Fourth Regiment, and Company H, Nineteenth Regiment, Maine Volunteer Infantry, \$40 per month in lieu of that he is now receiving.

Andrew E. Clark, late captain Company F, Twenty-sixth Regiment Maine Volunteer Infantry, \$36 per month in lieu of that he is now receiving.

Isaac A. Conant, late of Company I, Twenty-sixth Regiment Maine Volunteer Infantry, \$24 per month in lieu of that he is now receiving.

Thomas McKenna, late of Company A, First Regiment Connecticut Volunteer Cavalry, \$30 per month in lieu of that he is now receiving.

Ophelia A. Comstock, widow of Daniel E. Comstock, late of Company K, Twenty-seventh Regiment Massachusetts Volunteer Infantry, \$20 per month in lieu of that she is now receiving.

Mary J. Weeks, widow of William L. Weeks, late of Company I, Third Regiment New Hampshire Volunteer Infantry, and Company K, Fifteenth Regiment, and Company H, Second Regiment, New Jersey Volunteer Infantry, \$20 per month in lieu of that she is now receiving.

Luriette S. Case, widow of John E. Case, late of Company E, Sixteenth Regiment Connecticut Volunteer Infantry, \$20 per month in lieu of that she is now receiving.

Adaline Minnett, widow of Charles W. Minnett, late of Company F, Twenty-first Regiment New Jersey Volunteer Infantry, \$20 per month in lieu of that she is now receiving.

John G. K. Ayers, late of Company H, Eighth Regiment Missouri Volunteer Infantry, \$36 per month in lieu of that he is now receiving.

Anna M. Johnson, widow of John B. Johnson, late captain Company D, One hundred and thirty-seventh Regiment Illinois Volunteer Infantry, \$20 per month in lieu of that she is now receiving.

Thomas B. Foutty, late of Company C, Second Regiment West Virginia Volunteer Cavalry, \$36 per month in lieu of that he is now receiving.

Moses Rowell, late of Company I, Eleventh Regiment, and Company I, Sixth Regiment, New Hampshire Volunteer Infantry, \$40 per month in lieu of that he is now receiving.

Huldah Nesbitt, former widow of Allen Nesbitt, late of Company K, Thirty-fifth Regiment Iowa Volunteer Infantry, \$20 per month.

Charles S. Penley, late of Company H, Twenty-third Regiment Maine Volunteer Infantry, and unassigned company, Maine State Guards, \$24 per month in lieu of that he is now receiving.

David H. Gray, late of Company A, Fourteenth Regiment Maine Volunteer Infantry, \$40 per month in lieu of that he is now receiving.

John Snyder, late of Company K, Thirty-first Regiment New Jersey Volunteer Infantry, and Company C, One hundred and thirty-fifth Regiment Ohio National Guard Infantry, \$30 per month in lieu of that he is now receiving.

Mary M. Croft, widow of Charles I. Croft, late hospital steward, First Regiment California Volunteer Cavalry, \$24 per month in lieu of that she is now receiving.

Riley Hawley, late of Company I, Forty-fourth Regiment Wisconsin Volunteer Infantry, \$24 per month in lieu of that he is now receiving.

Mary E. Workman, widow of Stephen H. Workman, late of Company G, One hundred and seventeenth Regiment Ohio Volunteer Infantry, \$20 per month in lieu of that she is now receiving.

Hellen L. Chatfield, widow of Markus M. Chatfield, late of Company B, First Regiment Iowa Volunteer Cavalry, \$20 per month in lieu of that she is now receiving.

John Sanderson, late of Company A, Fifty-eighth Regiment Ohio Volunteer Infantry, \$30 per month in lieu of that he is now receiving.

Caroline J. McBratney, widow of Sherman McBratney, late of Company M, Tenth Regiment Ohio Volunteer Cavalry, \$12 per month.

John C. Vennum, late of Company B, Seventy-fifth Regiment Illinois Volunteer Infantry, \$36 per month in lieu of that he is now receiving.

John Painter, late of Company C, First Regiment Arkansas Volunteer Cavalry, \$36 per month in lieu of that he is now receiving.

Lefford Mathews, late of Company D, First Regiment Arkansas Volunteer Infantry, \$40 per month in lieu of that he is now receiving.

Francis W. Crumpton, late of Company B, Second Regiment Missouri State Militia Cavalry, \$40 per month in lieu of that he is now receiving.

John Wells, late of Company A, Second Regiment Rhode Island Volunteer Infantry, \$30 per month in lieu of that he is now receiving.

Charles Herbstreith, late of Company F, Eleventh Regiment Illinois Volunteer Cavalry, \$24 per month in lieu of that he is now receiving.

Joseph Girdler, late of Company C, Second Regiment Kentucky Volunteer Cavalry, \$40 per month in lieu of that he is now receiving.

Harvey T. Smith, late of Company B, One hundred and forty-ninth Regiment Pennsylvania Volunteer Infantry, \$24 per month in lieu of that he is now receiving.

Francis M. Bishop, alias Marion F. Bishop, late first lieutenant Company E, First Regiment Michigan Volunteer Infantry, and captain Company H, Second Regiment United States Volunteer Infantry, \$30 per month in lieu of that he is now receiving.

Richard T. Blaikie, late of Company B, Eighty-second Regiment Pennsylvania Volunteer Infantry, \$30 per month in lieu of that he is now receiving.

Marcellus B. Kent, late of Company I, Forty-sixth Regiment Illinois Volunteer Infantry, \$40 per month in lieu of that he is now receiving.

George W. Seymour, late of Company D, Twenty-second Regiment Connecticut Volunteer Infantry, \$30 per month in lieu of that he is now receiving.

Lucinda M. Fuller, widow of Henry A. Fuller, late of Company M, First Regiment New Hampshire Volunteer Cavalry, \$20 per month in lieu of that she is now receiving.

John Emanuel Smith, late of Twenty-sixth Unattached Company, Massachusetts Militia Infantry, \$30 per month in lieu of that he is now receiving.

Catherine Soper, widow of Edward B. Soper, late of Company C, Twenty-second Regiment Connecticut Volunteer Infantry, \$12 per month.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

The bill (S. 8275) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy and of wars other than the Civil War, and to certain widows and dependent relatives of such soldiers and sailors, was considered as in Committee of the Whole. It proposes to pension the following named persons at the rates per month stated:

John W. Slaughter, late of Company L, Second Regiment Kentucky Volunteer Infantry, War with Spain, \$20 per month in lieu of that he is now receiving.

Warren Hilliard, late of Company B, Eighteenth Regiment United States Infantry, War with Spain, \$8 per month.

Louisa A. Thatcher, widow of Joseph L. Thatcher, late carpenter, United States Navy, and dependent mother of William J. Thatcher, late chief turret captain, U. S. S. *Georgia*, United States Navy, \$24 per month in lieu of that she is now receiving.

George Holleder, late of Troop I, Third Regiment United States Cavalry, \$12 per month.

Charles W. Camp, late of Company M, Twenty-seventh Regiment United States Volunteer Infantry, War with Spain, \$20 per month in lieu of that he is now receiving.

George R. Smith, late of Company B, One hundred and sixtieth Regiment Indiana Volunteer Infantry, War with Spain, \$20 per month.

Edward Seaton, late of Company K, Forty-fourth Regiment United States Volunteer Infantry, \$15 per month in lieu of that he is now receiving.

Florida Kennerly, widow of Pierre M. Kennerly, late of Capt. McKinstry's Volunteers, War with Mexico, \$20 per month in lieu of that she is now receiving.

Charles M. Baughman, late of Company K, Sixth Regiment Illinois Volunteer Infantry, War with Spain, \$30 per month.

Elizabeth S. Lewerenz, widow of Alfred C. Lewerenz, late civil engineer, United States Navy, \$40 per month in lieu of that she is now receiving, and \$2 per month additional on account of the minor child of said Alfred C. Lewerenz until he reaches the age of 16 years.

Minnie Wadsworth Wood, widow of Oliver E. Wood, late colonel, Artillery Corps, and brigadier general, United States Army, retired, \$40 per month in lieu of that she is now receiving.

Francis Redmond, late of Troop K, Ninth Regiment United States Cavalry, and Hospital Corps, United States Army, \$12 per month.

Charles E. Harris, late of Company G, Tenth Regiment United States Infantry, War with Spain, \$12 per month.

Annie V. Smith, widow of Sebree Smith, late captain Third Regiment United States Artillery, \$30 per month in lieu of that she is now receiving.

Barbara B. Haws, widow of William Haws, late of Capts. Robert Thomas and Coleman Boren's companies, Utah Volunteers, Utah Indian war, \$12 per month.

Martha A. Hughes, widow of Edward M. Hughes, later commander, United States Navy, \$40 per month in lieu of that she is now receiving.

Charles L. Stevens, late of Troop E, Fifth Regiment United States Cavalry, \$16 per month.

Emily W. Tilley, widow of Benjamin F. Tilley, late rear admiral, United States Navy, \$50 per month in lieu of that she is now receiving.

James McMahon, late of Company B, Twenty-sixth Regiment United States Infantry, \$30 per month in lieu of that he is now receiving.

Israel Wood, late of Company K, First Regiment Oregon Riflemen, Cayuse Indian war, \$16 per month in lieu of that he is now receiving.

George W. Thurman, late of Capt. Abel George's Company B, Second Regiment Oregon Mounted Volunteers, \$16 per month in lieu of that he is now receiving.

Andrew G. Aiken, late of Capt. William H. Harris's company of Minute Men, Ninth Regiment Oregon Mounted Volunteers,

Oregon and Washington Territory Indian war, \$16 per month in lieu of that he is now receiving.

James P. Bartlett, late of Capt. William Strong's Company A, Washington Mounted Volunteers, Oregon and Washington Territory Indian war, \$16 per month in lieu of that he is now receiving.

Mary F. Read, widow of Thomas Read, late of Company A, Fourth Regiment United States Infantry, War with Mexico, \$20 per month in lieu of that she is now receiving.

William Cornell, late of Company M, First Regiment United States Volunteer Engineers, War with Spain, \$10 per month.

Michael Hoffman, late of Company B, United States Mounted Rifles, Texas and New Mexico Indian war, \$16 per month in lieu of that he is now receiving.

Ornan F. Hibbard, late of Capt. Hiram Wilbur's Company B, First Regiment Oregon Volunteers, Oregon and Washington Territory Indian war, \$16 per month in lieu of that he is now receiving.

Emma Myers, widow of Fred Myers, late of Troop K, Sixth Regiment United States Cavalry, \$12 per month.

Frederick M. Douglass, late of Capt. Stewart's company, First Regiment Florida Mounted Volunteers, Seminole Indian war, \$16 per month in lieu of that he is now receiving.

Sara S. Dowdy, widow of Robert W. Dowdy, late major, Twenty-sixth Regiment United States Infantry, \$25 per month.

Green Hines, dependent father of Hilton P. Hines, late of Company F, Second Regiment United States Infantry, War with Spain, \$24 per month in lieu of that he is now receiving.

Esther B. Shultz, widow of Joseph S. Shultz, late civil engineer, with rank of lieutenant, United States Navy, \$35 per month in lieu of that she is now receiving, and \$2 per month additional on account of the minor child of the said Joseph S. Shultz until she reaches the age of 16 years.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

PROOF OF SIGNATURES AND HANDWRITING.

The bill (H. R. 20102) relating to proof of signatures and handwriting was announced as next in order.

Mr. LODGE. Let that bill go over, Mr. President.

The PRESIDENT pro tempore. The bill will go over under objection.

Mr. KENYON. Mr. President, I should like to inquire what is the objection to this bill.

Mr. LODGE. I made objection under a misapprehension. I thought the bill read was Order of Business 1025. It was my mistake. I have no objection whatever to Order of Business 1029, being House bill 20102.

Mr. JONES. I desire to call the attention of the Senate to the fact that Order of Business No. 1025 has already been passed, and should not be on the calendar.

The PRESIDENT pro tempore. The Chair has been informed that Order of Business 1025, being Senate resolution 418, and Order of Business 1028 have heretofore been disposed of, and should not now be on the calendar.

Mr. LODGE. I find there are a number of bills on the calendar that have been previously passed, such as the agricultural extension bill. I do not know why they are kept on the calendar.

The PRESIDENT pro tempore. Those which have been passed are not, of course, being laid before the Senate. The Senator from Massachusetts withdraws his objection to the consideration of House bill 20102.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on the Judiciary with an amendment, in line 3, before the word "officer," to insert "judicial," so as to make the bill read:

Be it enacted, etc., That in any proceeding before a court or judicial officer of the United States where the genuineness of the handwriting of any person may be involved, any admitted or proved handwriting of such person shall be competent evidence as a basis for comparison by witnesses, or by the jury, court, or officer conducting such proceeding, to prove or disprove such genuineness.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

BILLS PASSED OVER.

The bill (H. R. 27475) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war was announced as next in order.

Mr. BRYAN. Let that bill go over, Mr. President.

The PRESIDENT pro tempore. The bill will go over.

Mr. McCUMBER. Mr. President, was objection made to the consideration of House bill 27475? I did not hear it.

Mr. BRYAN. I objected to the consideration of the bill.

The PRESIDENT pro tempore. The bill goes over, under objection.

The bill (S. 4241) to encourage rifle practice and promote a patriotic spirit among the citizens and youth of the United States was announced as next in order.

Mr. McCUMBER. I object to the consideration of that bill.

The PRESIDENT pro tempore. The bill will be passed over, under objection.

The bill (S. 8188) to amend section 113 of the act to codify, revise, and amend the laws relating to the judiciary, approved March 3, 1912, was announced as next in order.

Mr. LODGE. I object to that bill.

The PRESIDENT pro tempore. The bill will go over.

The bill (S. 110) to authorize the sale and disposition of a portion of the surplus and unallotted lands in Todd and Bennett Counties, in Rosebud Indian Reservation, in the State of South Dakota, and making appropriation and provision to carry the same into effect, was announced as next in order.

Mr. SMOOT. Let that go over for the day.

The PRESIDENT pro tempore. The bill goes over, under objection.

The bill (S. 8297) to transfer the Pacific Branch of the National Home for Disabled Volunteer Soldiers to the War Department was announced as next in order.

Mr. JONES. The Senator from Kansas [Mr. BRISTOW] was uncertain in committee whether he was in favor of that bill or not. As he is not present, I ask that it go over.

The PRESIDENT pro tempore. The bill will go over under objection.

PENSIONS AND INCREASE OF PENSIONS.

The bill (S. 8314) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors was considered as in Committee of the Whole. It proposes to pension the following-named persons at the rates per month stated:

Kate Brown, widow of William N. Brown, late of Companies E and K, Sixty-fifth Regiment Illinois Volunteer Infantry, \$20 per month in lieu of that she is now receiving.

James R. Haldeman, late first lieutenant Company E, One hundred and ninety-fifth Regiment Pennsylvania Volunteer Infantry, \$30 per month in lieu of that he is now receiving.

Mary Francis, widow of John A. Francis, late second lieutenant Company F, Eighteenth Regiment Connecticut Volunteer Infantry, \$24 per month in lieu of that she is now receiving.

Jane De Graw, widow of Charles R. De Graw, late of Company A, Twenty-second Regiment New Jersey Volunteer Infantry, \$20 per month in lieu of that she is now receiving.

Carrie Engberg, widow of Peter Engberg, late of Company G, Seventh Regiment Minnesota Volunteer Infantry, \$20 per month in lieu of that she is now receiving.

Sarah E. McCann, widow of Francis McCann, late of Company K, Fourth Regiment Rhode Island Volunteer Infantry, and First Company, Second Battalion Veteran Reserve Corps, \$24 per month in lieu of that she is now receiving.

Susan M. Sumner, widow of John H. Sumner, late captain Company A, Third Regiment Michigan Volunteer Infantry, \$20 per month in lieu of that she is now receiving.

Mary J. Anderson, widow of James S. Anderson, late of Company G, One hundred and twenty-second Regiment Ohio Volunteer Infantry, \$20 per month in lieu of that she is now receiving.

John W. Anderson, late of Company A, Sixth Regiment Indiana Volunteer Infantry, \$40 per month in lieu of that he is now receiving.

John S. Rodgers, late of Independent Battery F, Pennsylvania Volunteer Light Artillery, \$30 per month in lieu of that he is now receiving.

John G. Myers, late of Company A, One hundred and fifth Regiment Pennsylvania Volunteer Infantry, \$40 per month in lieu of that he is now receiving.

Andrew J. Furry, late of Company E, First Regiment United States Volunteer Infantry, \$24 per month in lieu of that he is now receiving.

Charles F. Cooken, late of Company F, Forty-fifth Regiment Iowa Volunteer Infantry, \$24 per month in lieu of that he is now receiving.

William Robertson, late of Company C, Fourteenth Regiment United States Infantry, \$30 per month in lieu of that he is now receiving.

George W. Leslie, late of Company I, Fourth Regiment Pennsylvania Volunteer Cavalry, \$30 per month in lieu of that he is now receiving.

William H. Weber, late of Company C, Thirty-sixth Regiment Indiana Volunteer Infantry, \$30 per month in lieu of that he is now receiving.

George Ketzler, late of Company B, Fiftieth Regiment Illinois Volunteer Infantry, \$30 per month in lieu of that he is now receiving.

August Schurman, late of Company B, Seventy-fourth Regiment New York Volunteer Infantry, and Company C, Twentieth Regiment Veteran Reserve Corps, \$30 per month in lieu of that he is now receiving.

Samuel J. Riley, late of Company C, Fifteenth Regiment Missouri Volunteer Cavalry, \$30 per month in lieu of that he is now receiving.

William E. Huestis, late of Company F, Fifth Regiment Kansas Volunteer Cavalry, \$30 per month in lieu of that he is now receiving.

Orlina M. Cadwell, widow of George Cadwell, late of Company B, Forty-ninth Regiment Massachusetts Volunteer Infantry, \$20 per month in lieu of that she is now receiving.

George Warnick, late of Company H, One hundred and fifth Regiment Pennsylvania Volunteer Infantry, \$36 per month in lieu of that he is now receiving.

Louis M. Lea, late of Company D, One hundred and forty-eighth Regiment Indiana Volunteer Infantry, \$30 per month in lieu of that he is now receiving.

Thomas F. Stevens, late of Company B, One hundred and twenty-second Regiment Illinois Volunteer Infantry, \$50 per month in lieu of that he is now receiving.

Darwin Zeek, late of Company E, One hundred and fourth Regiment Illinois Volunteer Infantry, \$30 per month in lieu of that he is now receiving.

David F. Stewart, late of Company A, Fifth Regiment Indiana Volunteer Cavalry, \$36 per month in lieu of that he is now receiving.

Nathan Vanaman, late of Company D, Twelfth Regiment West Virginia Volunteer Infantry, \$30 per month in lieu of that he is now receiving.

Joseph Johnson, late of Company G, Eighth Regiment Illinois Volunteer Cavalry, \$24 per month in lieu of that he is now receiving.

John N. Postlethwait, late of Company A, Eleventh Regiment West Virginia Volunteer Infantry, \$30 per month in lieu of that he is now receiving.

John Miller, late of Company H, Fifty-second Regiment Ohio Volunteer Infantry, \$30 per month in lieu of that he is now receiving.

John O. Branson, late of Company B, One hundred and thirty-fourth Regiment Indiana Volunteer Infantry, \$24 per month in lieu of that he is now receiving.

Adam P. S. Poisal, late of Company F, Second Potomac Home Brigade Maryland Volunteer Infantry, \$30 per month in lieu of that he is now receiving.

Francis M. Hanes, late of Company B, Eighth Regiment Indiana Volunteer Infantry, \$30 per month in lieu of that he is now receiving.

John L. Skinner, jr., late second lieutenant Company E, One hundred and fortieth Regiment Illinois Volunteer Infantry, \$24 per month in lieu of that he is now receiving.

John P. Glenn, late of Company B, Eighth Regiment Iowa Volunteer Cavalry, and Company D, Seventeenth Regiment Veteran Reserve Corps, \$30 per month in lieu of that he is now receiving.

William A. Stewart, late of Company A, Twenty-seventh Regiment Iowa Volunteer Infantry, \$24 per month in lieu of that he is now receiving.

William Turnbeaugh, late of Company E, Eighteenth Regiment Missouri Volunteer Infantry, \$30 per month in lieu of that he is now receiving.

Julia A. Snedeker, widow of George W. Snedeker, late of Company C, Eighty-fifth Regiment Indiana Volunteer Infantry, \$24 per month in lieu of that she is now receiving: *Provided*, That in the event of the death of Gertrude M. Snedeker, helpless and dependent child of said George W. Snedeker, the additional pension herein granted shall cease and determine: *And provided further*, That in the event of the death of Julia A. Snedeker the name of the said Gertrude M. Snedeker shall be placed on the pension roll, at \$12 per month, from and after the date of death of said Julia A. Snedeker.

Martha R. Brown, widow of Preston W. Brown, late of Company I, Fourth Regiment Michigan Volunteer Cavalry, \$12 per month.

Elias Redmon, late of Company B, One hundred and twenty-fourth Regiment United States Colored Volunteer Infantry, \$30 per month in lieu of that he is now receiving.

George Moffatt, late of Company B, Fifty-second Regiment Wisconsin Volunteer Infantry, \$24 per month in lieu of that he is now receiving.

Kate F. Sage, widow of George D. Sage, late paymaster's steward, U. S. S. North Carolina and Coeur de Leon, United States Navy, \$20 per month in lieu of that she is now receiving.

Myra Van Winkle, widow of Barrack S. Van Winkle, late of Company H, Thirty-first Regiment Iowa Volunteer Infantry, \$20 per month in lieu of that she is now receiving.

Charles G. Glidden, late of Company C, Twenty-second Regiment Maine Volunteer Infantry, \$30 per month in lieu of that he is now receiving.

Clara V. King, widow of Charles King, late of Company B, First Regiment Michigan Volunteer Cavalry, \$20 per month in lieu of that she is now receiving.

James Griffey, late of Company H, Twenty-seventh Regiment United States Colored Volunteer Infantry, \$40 per month in lieu of that he is now receiving.

Sarah F. Boynton, widow of David C. Boynton, late of Company B, Fifth Regiment Minnesota Volunteer Infantry, \$20 per month in lieu of that she is now receiving.

Emiles Pomeroy, late of Company K, Eighty-third Regiment Pennsylvania Volunteer Infantry, \$50 per month in lieu of that he is now receiving.

Fannie M. Page, widow of Fernando Page, late of Company K, Third Regiment Michigan Volunteer Infantry, \$12 per month.

Thomas Gannon, late of U. S. S. *Sabine*, *Potomac*, and *Stockdale*, United States Navy, \$24 per month in lieu of that he is now receiving.

Orlan A. Hibbs, late of Company A, Seventeenth Regiment Kentucky Volunteer Cavalry, \$30 per month in lieu of that he is now receiving.

William H. Hall, late of Company B, Fourteenth Regiment Connecticut Volunteer Infantry, \$30 per month in lieu of that he is now receiving.

William T. Francis, late of Company C, Thirtieth Regiment Kentucky Volunteer Infantry, \$30 per month in lieu of that he is now receiving.

Marshall D. House, late of Company C, Sixteenth Regiment Connecticut Volunteer Infantry, \$30 per month in lieu of that he is now receiving.

Henry McClure, late of Company G, Thirteenth Regiment Kentucky Volunteer Cavalry, \$30 per month in lieu of that he is now receiving.

Mary J. Wood, widow of Warren M. Wood, late of Company E, Second Regiment Connecticut Volunteer Heavy Artillery, \$20 per month in lieu of that she is now receiving.

Ephraim Benedict Murphy, alias Ephraim Benedict, late of Company B, Sixty-first Regiment Massachusetts Volunteer Infantry, \$24 per month in lieu of that he is now receiving.

Jay Doty, late of Company C, Twenty-third Regiment Connecticut Volunteer Infantry, \$30 per month in lieu of that he is now receiving.

Lorenzo F. Nolan, late of Company I, Forty-fourth Regiment Indiana Volunteer Infantry, \$36 per month in lieu of that he is now receiving.

Erastus G. Cummings, late of Company I, Twentieth Regiment Maine Volunteer Infantry, \$36 per month in lieu of that he is now receiving.

Victoria L. McHone, widow of Lewis McHone, late second lieutenant Company B, Ninth Regiment Kansas Volunteer Cavalry, \$20 per month in lieu of that she is now receiving.

Margaret L. Thompson, former widow of William B. Hooper, late of Company L, First Regiment New Jersey Volunteer Cavalry, \$12 per month.

Daniel Hand, late of Company K, Eighty-eighth Regiment Indiana Volunteer Infantry, \$12 per month.

Horace C. Webber, late of Company L, First Regiment Maine Volunteer Heavy Artillery, \$50 per month in lieu of that he is now receiving.

Stanley H. Husted, late of Company B, First Regiment Wisconsin Volunteer Heavy Artillery, and second lieutenant Company F, Twelfth Regiment United States Colored Volunteer Heavy Artillery, \$30 per month in lieu of that he is now receiving.

Joseph Cassiday, late of Company C, Second Regiment Maryland Volunteer Cavalry, \$30 per month in lieu of that he is now receiving.

William L. Sheaff, late of Company I, One hundred and twenty-ninth Regiment Pennsylvania Volunteer Infantry, \$30 per month in lieu of that he is now receiving.

Louis C. Emmett, late of Company C, First Regiment Oregon Volunteer Infantry, \$24 per month in lieu of that he is now receiving.

Christian Bowman, late of Company D, Two hundred and first Regiment Pennsylvania Volunteer Infantry, \$24 per month in lieu of that he is now receiving.

Stephen Collar, late of Company F, Thirteenth Regiment Michigan Volunteer Infantry, \$30 per month in lieu of that he is now receiving.

Baxter Johnson, late of Company I, Seventh Regiment Michigan Volunteer Infantry, and Company F, Twenty-eighth Regiment United States Infantry, \$30 per month in lieu of that he is now receiving.

Mary E. Allen, widow of Charles G. Allen, late captain Company D, Fourteenth Regiment United States Colored Volunteer Heavy Artillery, \$20 per month in lieu of that she is now receiving.

Georgiana Packard, widow of George W. Packard, late of Company A, Ninth Regiment Kansas Volunteer Cavalry, and Company G, Eighth Regiment United States Veteran Volunteer Infantry, \$24 per month in lieu of that she is now receiving.

Josephine E. Miller, widow of Abraham B. Miller, late pilot U. S. S. Minnesota, United States Navy, \$12 per month.

Delia H. Austin, widow of John F. Austin, late captain Company M, Seventeenth Regiment Illinois Volunteer Cavalry, \$20 per month in lieu of that she is now receiving.

Wendell P. Hood, late of Company F, Forty-eighth Regiment Massachusetts Volunteer Infantry, \$50 per month in lieu of that he is now receiving.

Lucy Gamble, widow of David W. Gamble, late of Company C, Fifteenth Regiment West Virginia Volunteer Infantry, \$20 per month in lieu of that she is now receiving.

Elizabeth Croft, widow of William M. Croft, late of Company A, Ninth Regiment Pennsylvania Reserves Volunteer Infantry, and Company B, One hundred and ninetieth Regiment Pennsylvania Volunteer Infantry, \$20 per month in lieu of that she is now receiving.

Stephen B. Johnson, late of Company I, Eleventh Regiment New York Volunteer Cavalry, \$30 per month in lieu of that he is now receiving.

Ferdinand O. Tennison, late of Company D, Third Regiment Missouri State Militia Cavalry, \$30 per month in lieu of that he is now receiving.

Thomas Moody, late of Company F, Second Regiment Missouri State Militia Cavalry, \$30 per month in lieu of that he is now receiving.

Charles Belknap, late of Company E, Nineteenth Regiment Wisconsin Volunteer Infantry, \$30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

ENLARGED HOMESTEAD.

The bill (H. R. 23351) to amend an act entitled "An act to provide for an enlarged homestead" was considered as in Committee of the Whole. It proposes to amend sections 3 and 4 of the act entitled "An act to provide for an enlarged homestead," approved February 19, 1909, and of an act entitled "An act to provide for an enlarged homestead," approved June 17, 1910, so as to read as follows:

Sec. 3. That any homestead entryman of lands of the character herein described, upon which entry final proof has not been made, shall have the right to enter public lands, subject to the provisions of this act, contiguous to his former entry, which shall not, together with the original entry, exceed 320 acres.

Sec. 4. That at the time of making final proofs, as provided in section 2291 of the Revised Statutes, the entryman under this act shall, in addition to the proofs and affidavits required under said section, prove by two credible witnesses that at least one-sixteenth of the area embraced in such entry was continuously cultivated for agricultural crops other than native grasses beginning with the second year of the entry, and that at least one-eighth of the area embraced in the entry was so continuously cultivated beginning with the third year of the entry: *Provided*, That any qualified person who has heretofore made or hereafter makes additional entry under the provisions of section 3 of this act may be allowed to perfect title to his original entry by showing compliance with the provisions of section 2291 of the Revised Statutes respecting such original entry, and thereafter in making proof upon his additional entry shall be credited with residence maintained upon his original entry from the date of such original entry, but the cultivation required upon entries made under this act must be shown respecting such additional entry, which cultivation, while it may be made upon either the original or additional entry, or upon both entries, must be cultivation in addition to that relied upon and used in making proof upon the original entry; or, if he elects, his original and additional entries may be considered as one, with full credit for residence upon and improvements made under his original entry, in which event the amount of cultivation herein required shall apply to the total area of the combined entry, and proof may be made upon such combined entry whenever it can be shown that the cultivation required by this section has been performed; and to this end the time within which proof must be made upon such combined entry is hereby extended to seven years from the date of the original entry: *Provided further*, That

nothing herein contained shall be so construed as to require residence upon the combined entry in excess of the period of residence, as required by section 2291 of the Revised Statutes.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

DESERT-LAND ENTRIES IN CALIFORNIA.

The bill (S. 7875) to exempt from cancellation certain desert-land entries in the Chuckawalla Valley and Palo Verde Mesa, Riverside County, Cal., was considered as in Committee of the Whole.

The bill had been reported from the Committee on Public Lands with an amendment, on page 2, line 3, after the word "east," to insert "San Bernardino meridian," so as to make the bill read:

Be it enacted, etc., That no desert-land entry heretofore made in good faith under the public-land laws for lands in townships 4 and 5 south, range 15 east; townships 4 and 5 south, range 16 east; townships 4, 5, and 6 south, range 17 east; townships 5, 6, and 7 south, range 18 east; townships 6 and 7 south, range 19 east; townships 6 and 7 south, range 20 east; townships 4, 5, 6, 7, and 8 south, range 21 east; townships 5, 6, and 7 south, range 22 east; township 5 south, range 23 east San Bernardino meridian, shall be canceled prior to May 1, 1916, because of failure on the part of the entryman to make any annual or final proof falling due upon any such entry prior to May 1, 1916.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

CONFEDERATE CEMETERY AT LITTLE ROCK, ARK.

The bill (H. R. 24365) providing for the taking over by the United States Government of the Confederate cemetery at Little Rock, Ark., was announced as next in order.

Mr. SMOOT. Mr. President, I should like to ask the Senator from Arkansas what special reason there is for the United States Government to take over the Confederate cemetery at Little Rock, Ark.?

Mr. CLARKE of Arkansas. The reasons are largely sentimental. The fact is that the National Government maintains quite a considerable cemetery at that particular point. Near there, or just adjoining there, on a small tract of land 400 by 200 feet, or possibly larger than that, are buried the remains of quite a number of Confederate soldiers. It was thought to be in accordance with the progress of reconciliation which has already taken place that those cemeteries be under one control, something after the fashion of that adopted at Springfield, Ill. The expense is a nominal one. I personally had thought that possibly the ex-Confederates might keep it up. But it was deemed to be the sentiment of the community that there should be no longer two managements of that particular resting place of those who had distinguished themselves upon that occasion which has now become a memory so dear to all of us.

There is much to be said, or nothing to be said, on the subject one way or the other. If it is intended to be debated, there would be much to be said upon it. If the propriety of it does not occur to the Senator immediately upon the statement, it probably would require some elaborate argument to convince him.

Mr. SMOOT. I asked the Senator the question because of the fact that I thought perhaps there was some special reason for this. I notice that he says that they are adjoining each other.

Mr. CLARKE of Arkansas. They are immediately adjoining. There is just a stone wall between them.

Mr. SMOOT. I wish to ask the question whether the same help that takes care of the national cemetery at Little Rock of the Federal soldiers will take care of the Confederate cemetery?

Mr. CLARKE of Arkansas. That is the understanding. The expense will be nominal.

Mr. SMOOT. The only expense would be \$2,125 a year?

Mr. CLARKE of Arkansas. No, sir; that would be the entire expense of making the opening in the wall and making such repairs as may be required. The entire expense now of maintaining the cemetery there is probably \$2,000 a year. The understanding is that it will not add materially to the expense of maintaining the cemetery.

Mr. SMOOT. I see that the Quartermaster General states that there is no objection on the part of his office to the favorable consideration of the bill, but if it becomes a law it will be necessary to make provision for placing it in the proper repair by increasing the appropriation for the care and maintenance of national cemeteries for the fiscal year 1914.

Mr. CLARKE of Arkansas. At present the Confederate cemetery is not kept up as well as the national cemetery adjoining, and the probabilities are that the walks would be improved and a variety of little improvements would be made that would be necessary to make it conform to the general appearance of the other cemetery.

Mr. SMOOT. Mr. President, as the two cemeteries adjoin, I shall not object.

Mr. MARTINE of New Jersey. Mr. President, with the Senator's permission, I beg to say that it was my privilege when at Little Rock a few months or weeks ago to visit this spot. Immediately the question was raised in my mind, and I so expressed it, that it seemed a bit of dire neglect that the soldiers' graves on one side were so beautifully taken care of and the others were in a most chaotic and neglected state; and I recall having suggested to the gentlemen who were with me that it seemed sad and unfortunate—

Mr. GALLINGER. That did not reflect on the Government, however.

Mr. MARTINE of New Jersey. Not at all, sir—that 50 years had passed since that horrid strife, and God's green grass grew alike over them both, and did its best to obliterate the horrid thoughts and memories of the past. It seemed to me ungenerous, to say no more, that within this distance of 30 or 40 feet this plat should be so neglected, and I expressed my hope that the United States, in its generosity and charity, would in the very near future take that in, and that they might all be cared for alike.

It is useless to contend now as to the sentiments or as to the reasons of the strife. They were all of God's creation, and all of one great, glorious, and grand country. The cost of maintaining that little plat could be but a pittance, the remains of a few Confederate soldiers; and I do plead with all the earnestness of my nature that the Senate of the United States may do its part toward obliterating the evidences of that horrid strife in that little plat.

Mr. SMOOT. There is nobody objecting, so far as I know.

Mr. MARTINE of New Jersey. I know that; but I say, at the same time, that I really ache sometimes for the opportunity to give vent to my sentiments in a case that is so deserving as I feel this is.

Mr. McCUMBER. Let the matter go over for the present.

The PRESIDENT pro tempore. Objection being made, the bill will go over.

Mr. CLARKE of Arkansas subsequently said: I ask unanimous consent to take up the bill (H. R. 24365) providing for the taking over by the United States Government of the Confederate cemetery at Little Rock, Ark. The bill has been read.

The PRESIDENT pro tempore. The Senator from Arkansas asks that the Senate consider the bill indicated by him. Is there objection?

There being no objection, the bill was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

HERMAN C. FUNK.

The bill (S. 4549) to place the name of Sergt. Herman C. Funk upon the officers' retired list was considered as in Committee of the Whole. It authorizes the President to place the name of Herman C. Funk on the retired list created by the act of Congress approved March 2, 1907, with the rank, pay, and allowances of a sergeant of infantry retired.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill to place the name of Herman C. Funk upon the retired list created by act approved March 2, 1907."

OFFICERS DETAILED FOR AVIATION DUTY.

The bill (H. R. 17256) to fix the status of officers of the Army and Navy detailed for aviation duty, and to increase the efficiency of the aviation service, was considered as in Committee of the Whole.

The bill had been reported from the Committee on Military Affairs with an amendment to strike out all after the enacting clause and insert:

That after the passage and approval of this act the pay as now or as may be hereafter fixed by law for officers of the Regular Army, Navy, and Marine Corps shall be 20 per cent additional for such officers as are now or may be hereafter detailed by the Secretary of War or the Secretary of the Navy on aviation duty: *Provided*, That this increase of pay shall be given to such officers only as are actually engaged in the flying of heavier-than-air craft, and while so detailed, as provided herein: *Provided further*, That no officer holding rank above that of captain shall receive the additional pay provided for by this act: *And provided further*, That at the same time no more than 30 officers of the Army and 30 officers of the Navy and Marine Corps shall be detailed to the aviation service.

SEC. 2. That all laws and parts of laws inconsistent with the provisions of this act be, and the same are hereby, repealed.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

REFUND OF TONNAGE TAXES.

The bill (H. R. 2359) to refund certain tonnage taxes and light dues was considered as in Committee of the Whole. It authorizes the Secretary of the Treasury to refund the following amounts to the respective named companies, assessed and collected under section 4225, Revised Statutes, which amounts are hereby appropriated: Ninety-three dollars in the case of the American dredge *Erie*, without enrollment, upon the application of the Duluth-Superior Dredging Co.; and \$270 in the case of American scows Nos. 1 and 2, American dredge *Lincoln*, and American derrick-scow No. 1, without enrollment, upon the application of the Duluth Marine Contracting Co.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

The PRESIDENT pro tempore. That concludes the calendar.

LAND IN THE DISTRICT OF COLUMBIA.

Mr. GALLINGER. The bill (S. 1899) to repeal a portion of an act heretofore passed relating to the alienation of the title of the United States to land in the District of Columbia some way got under Rule IX and has escaped my attention. It is a bill recommended by the Department of Justice, the Commissioners of the District of Columbia, and Gen. Bixby, of the Engineer Corps. I hope it will be taken up now and passed. There is no objection to it, as far as I know.

There being no objection, the bill was considered as in Committee of the Whole. It proposes to repeal section 2 of the act approved March 3, 1899 (30 Stats., 1346), authorizing and directing the Secretary of War to correct the records of the War Department in respect to any of the lots mentioned in Senate Document No. 277, Fifty-fifth Congress, second session.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

FLATHEAD IRRIGATION PROJECT.

Mr. SMOOT. The bill (S. 5957) providing for the issuance of patents to entrymen for homesteads in the so-called Flathead irrigation project is on the calendar under Rule IX. I move its indefinite postponement.

The motion was agreed to.

Mr. GALLINGER. I move that the Senate adjourn.

The motion was agreed to; and (at 5 o'clock and 2 minutes p. m.) the Senate adjourned until to-morrow, Tuesday, February 4, 1913, at 12 o'clock meridian.

HOUSE OF REPRESENTATIVES.

MONDAY, February 3, 1913.

The House met at 12 o'clock noon.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

O Lord, our God and our Father, we approach Thee in the sacred attitude of prayer in faith and confidence that by the uplift of the moment we may receive of that spirit which knows no anger, turmoil, nor strife, but which is "first pure, then peaceable, gentle, and easy to be entreated, full of mercy and good fruits," that we may leave behind us a record clean, pure, after the similitude of the Prince of Peace. Amen.

The Journal of the proceedings of Sunday, February 2, 1913, was read and approved.

RESIGNATION OF REPRESENTATIVE SHEPPARD.

The SPEAKER laid before the House the following communication, which was read by the Clerk:

FEBRUARY 3, 1913.

HON. CHAMP CLARK,
Speaker House of Representatives.

My DEAR SIR: I have this day notified the governor of Texas of my resignation as a Member of the House of Representatives from the first Texas district, said resignation to be effective immediately.

Yours, very truly,

MORRIS SHEPPARD.

THE LATE REPRESENTATIVE CONNELL.

Mr. AYRES. Mr. Speaker, I ask unanimous consent for the present consideration of the following order, which I send to the Clerk's desk.

The Clerk read as follows:

Ordered, That Sunday, February 16, 1913, be set apart for addresses upon the life, character, and public services of Hon. RICHARD E. CONNELL, late a Representative from the State of New York.